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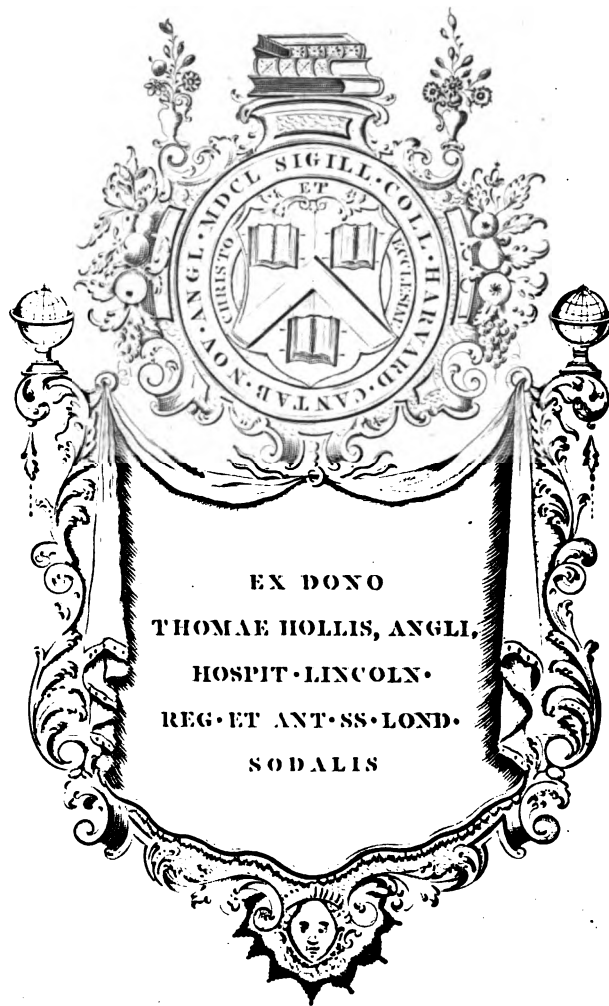
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ACCOUNTS AND PAPERS:

SEVENTEEN VOLUMES.

— (15.) —

SLAVERY.

Session

15 November 1837 — 16 August 1838.

VOL. L.

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1837-8.

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1837.

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WITH THE

BRITISH COMMISSIONERS,

AT

SIERRA LEONE, THE HAVANA,

RIO DE JANEIRO, AND SURINAM,

RELATING TO

THE SLAVE TRADE.

1837.

Presented to both Houses of Parliament, by Command of Her Majesty,
1838.

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Class A.

CORRESPONDENCE

WITH THE

BRITISH COMMISSIONERS.

SIERRA LEONE. (General.)

No. 1.

Resident Commissioner to His Majesty's Commissioners.

Foreign Office, 13th May, 1837.

(Extract.)

Your Despatch of 21st December, 1836, in relation to the subject of the petition of the "Akwexes," by Messrs. Gae and H. for the removal of the (Gallies) has been referred to His Majesty's Attorney-General, and his opinion shall be duly made known.

As I have been informed that the Despatch from His Majesty's Consul at G. is in relation to the "Akwexes," on the arrival of G. and sold to a merchant of that city named M. who intends employing her in a packet between G. and the Harbours.

No. 2.

His Majesty's Commissioners to Resident Commissioner. (Recd. July 3rd, 1837.)

Sierra Leone, 23rd March, 1837.

Mr. Lord

We were honoured to receive from you the receipt of your Despatch of 21st December, 1836, in relation to the subject of the petition of the "Akwexes," and in relation to the removal of the (Gallies) has been referred to His Majesty's Attorney-General, and his opinion shall be duly made known.

As I have been informed that the Despatch from His Majesty's Consul at G. is in relation to the "Akwexes," on the arrival of G. and sold to a merchant of that city named M. who intends employing her in a packet between G. and the Harbours.

W. H. L. (Signed)
W. H. L. (Signed)
W. H. L. (Signed)

Yr. Obedt. Servant, (Signed) W. H. L.

No. 3.

His Majesty's Commissioners to Resident Commissioner. (Recd. July 3rd, 1837.)

Sierra Leone, 23rd March, 1837.

We were honoured to receive from you the receipt of your Despatch of 21st December, 1836, in relation to the subject of the petition of the "Akwexes," and in relation to the removal of the (Gallies) has been referred to His Majesty's Attorney-General, and his opinion shall be duly made known.

As I have been informed that the Despatch from His Majesty's Consul at G. is in relation to the "Akwexes," on the arrival of G. and sold to a merchant of that city named M. who intends employing her in a packet between G. and the Harbours.

Class A.

CORRESPONDENCE

WITH THE

BRITISH COMMISSIONERS.

SIERRA LEONE. (*General.*)

No. 1.

Viscount Palmerston to His Majesty's Commissioners.

(Extract.)

Foreign Office, 15th May, 1837.

YOUR Despatch of 31st December,* 1836, together with other Papers upon the subject of the purchase of the condemned slave-vessel, the "*Esperança*," by Messrs. Rae and Hornell, for the account of Pedro Blanco of the Gallinas, has been referred to His Majesty's Advocate-General, with whose opinion you shall be duly made acquainted.

In the mean time I have to inform you, that, by a Despatch from His Majesty's Consul at Cadiz, it appears that the "*Esperança*" on her arrival at Cadiz, was sold to a merchant of that city named Matteu, who intends employing her as a packet between Cadiz and the Havanna.

No. 2.

His Majesty's Commissioners to Viscount Palmerston.—(Rec. July 5th, 1837.)

MY LORD,

Sierra Leone, 23d March, 1837.

WE were honoured on the 19th instant with the receipt of your Lordship's Despatch of the 21st January last, transmitting the original Letter addressed by Edward Jousiffe to His Majesty's Acting Judge at Havana on the 21st July last; and beg leave to state that we shall take care to bring forward this important Paper in a proper manner, whenever Edward Jousiffe may appear here and be placed on his trial for his crimes.

We have, &c.

(Signed)

H. CAMPBELL.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 3.

His Majesty's Commissioner to Viscount Palmerston.—(Received June 24.)

MY LORD,

Sierra Leone, 1st May, 1837.

MY colleague in the Mixed Courts, Lieutenant-Governor Campbell, being still absent from the seat of Government, it devolves upon me to report to your

* The Despatch here referred to has been laid before Parliament; Papers of 1837, Supplement No. 14. p. 35.

Lordship, that His Majesty's schooner "Pincher" arrived here on the 23d ultimo, bringing the prisoner Edward Jousiffe, for trial for breaches of the Slave Trade Abolition Act.

Jousiffe was, on the 25th ultimo, brought up before the Local Authorities of the Colony, on the above-mentioned charge, and the witnesses then at Freetown appeared to give evidence in support of it. From the lapse of time which had taken place between the collecting of those witnesses in Freetown whose evidence was considered essential, and the arrival of Jousiffe, many of those persons had left town in pursuit of their ordinary avocations, and much difficulty and delay in re-assembling them has been the consequence.

With the object of avoiding a want of evidence in this case, the Colonial Government has sent off this morning an officer to the Rio Pongas to collect witnesses, where it is supposed several may be found whose testimony may prove valuable.

Every exertion is being used to bring in from the liberated African villages those persons who are understood to be capable of giving testimony, and there is a confident belief, that in a few days a clear and very strong case will be made out against Jousiffe. In the mean while he is remanded from time to time, and the witnesses, as produced, are examined on the days when the prisoner is brought up, which course is to be pursued until a perfect case is made out against him, when he will be committed for trial.

It is hoped that by the end of the present month Jousiffe's trial will have taken place; the result of which the Commissioners will not lose a moment in reporting to your Lordship.

The Africans belonging to the slave-schooner "*Preciosa*," stated in Mr. Schenley's Despatch to your Lordship, of the 24th August last, as believed to have been kidnapped by Jousiffe, not having arrived with the prisoner in His Majesty's schooner "Pincher," as the Commissioners had been led to expect by the terms of your Lordship's Despatches on this subject, they were induced to address Commander Byng, in order to learn from him the cause of their non-appearance here. Herewith I beg leave to lay before your Lordship a copy of Commander Byng's reply to the application in question, which will best place your Lordship in possession of the cause of the absence of such apparently important witnesses.

I have, &c.

(Signed)

WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 3.

Commander Byng to His Majesty's Commissioners,

*His Majesty's schooner "Pincher,"
Sierra Leone, 25th April, 1837.*

GENTLEMEN,

In reply to your Letter of this date, respecting the non-appearance of the negroes referred to by Mr. Schenley as being on board the "*Preciosa*," I have to acquaint you that Mr. Richard Pridham, the officer in charge of the "*Preciosa*," was sent from Jamaica to Honduras in His Majesty's ship "Wanderer," to recognize and obtain the said negroes, but, from the cholera raging at that port, he was not permitted to go on shore, but Captain Dilke had been informed by the Governor that the only person whom he knew would be likely to give such evidence against Jousiffe had died two or three days previous to their arrival.

I have, &c.

(Signed)

GEORGE BYNG,
Commander.

The British Commissioners,

&c.

&c.

No. 4.

Viscount Palmerston to Her Majesty's Commissioners, Sierra Leone.

GENTLEMEN,

Foreign Office 15th July, 1837.

I herewith transmit for your information 12 Copies of Papers marked A. and B., relating to the Slave Trade, which have this day been presented by Her Majesty's Command to both Houses of Parliament.

I am, &c.

(Signed)

PALMERSTON.

Her Majesty's Commissioners,

&c.

&c.

&c.

No. 5.

His Majesty's Commissioner to Viscount Palmerston.—(*Received August 23.*)

MY LORD,

Sierra Leone, 17th June, 1837.

I HAVE the honour of reporting to your Lordship, that Lieutenant-Governor Campbell, His Majesty's Acting Commissioner in the several Mixed Courts established here for the repression of the Slave Trade, under the Treaties with Foreign Powers, took his departure hence for England on the 13th instant.

Arrangements were made on the following day for the Governor, *pro tempore*, assuming the vacant office in the Mixed Courts, which was, however, rendered unnecessary by the arrival here, from London, of Colonel Doherty, the successor of Major Campbell in this command, on the morning of the 15th instant.

Colonel Doherty having been immediately sworn in as Governor, shortly afterwards took the oaths of office as His Majesty's Acting Commissioner in the several Mixed Courts; and, at a public sitting yesterday of those Courts, His Excellency was duly installed in his new situation, and the business of the Commissions immediately proceeded with.

I have, &c.

(Signed) WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 6.

His Majesty's Commissioners to Viscount Palmerston.—(*Received Sept. 12.*)

MY LORD,

Sierra Leone, 30th June, 1837.

WE have the honour to forward herewith, for your Lordship's information, a certified Copy of the List of slaves registered in the Mixed Courts established in this Colony, from the 1st January, 1837, to the 30th instant.

The number so registered was 2,956; and the number emancipated during that period was 3,210; of whom 203 were landed at Honduras from the Portuguese slave-vessel "*Carlota*," and could not, therefore, be registered here, and 51 died before their descriptions could be taken for registration.

We have, &c.

(Signed)

R. DOHERTY.

WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 6.—(*Abstract.*)

	Numbers Registered.	Number died before Registration, but Emancipated.	Number Emancipated.
Lechuguino	49	..	49
Gata	99	2	101
Incomprehensivel	578	8	586
Paquete de Cabo Verde	434	18	452
Temerario	229	7	236
Esperança	89	..	89
Josephina	345	1	346
Latona	318	2	320
Dolores	282	4	286
La Fayette	438	3	441
Cobra de Africa	95	6	101
	2,956	51	3,007

(*Mem.*)—Number registered up to the 5th of January, 1837 40,584
 " " from the 5th January to the 1st of July, 1837 2,956

Total 43,540

N. B. In addition to the foregoing List of emancipated slaves registered in the period set forth, there were 203 slaves landed from on board the Portuguese schooner "*Carlota*," at Honduras, the

survivors of whom were emancipated by Decree of the British and Portuguese Court of Mixed Commission.

(Signed) M. L. MELVILLE,
Sierra Leone, 1st July, 1837. Registrar.

These are to certify, that the foregoing is, a true and correct Copy of the original List of slaves registered and emancipated by the Courts of Mixed Commissions established at Sierra Leone under the Treaties with Foreign Powers for preventing the illicit traffic in slaves during the period from the 5th day of January, to the 1st day of July, 1837.

In faith and testimony whereof, I have hereunto set my hand and affixed the seal of the Mixed Commissions, at Freetown in the said Colony, this 1st day of July, in the year of our Lord One thousand eight hundred and thirty-seven.

(L. S.) M. L. MELVILLE,
Registrar.

No. 7.

His Majesty's Commissioners to Viscount Palmerston.—(Received Nov. 6.)

(Extract.) *Sierra Leone, 12th August, 1837.*

WE have received your Lordship's Despatch of the 15th May last, and beg leave to thank your Lordship for the information contained therein, as to the arrival and sale, at Cadiz, of the "Esperanza," the British vessel whose departure hence for that port we had the honour of notifying to your Lordship on the 31st of last December; and also for your Lordship's promise that we shall be made acquainted with the opinion of His Majesty's Advocate-General on the several Papers relating to the alleged purchase of a condemned slave-vessel by Messrs. Rae and Hornell, for the account of Pedro Blanco of the Galinas.

No. 8.

Her Majesty's Commissioners to Viscount Palmerston.—(Received November 30.)

MY LORD, *Sierra Leone 19th August, 1837.*

A SCHOONER, bearing the flag of the United States, having lately visited this port under circumstances of a suspicious character, and all the principal names upon her Papers being those of persons known to have been engaged in the Slave Trade of Cuba, we have thought it our duty to lay before your Lordship such particulars respecting this vessel as we have collected, notwithstanding our having been unable to arrive at any satisfactory conclusion as to her real occupation or intentions.

The schooner "Terrible," under the United States' colours, arrived in the harbour of Sierra Leone on the 9th instant, the Master of her declaring that he had put into this port in consequence of a want of wood and water, in his voyage from Havana to Galinas. On examination, however, the Collector found that there was on board of the schooner far more wood than could have been required during the time she would occupy in reaching her destination, even after working into this river; whilst the water actually on board would have afforded 1 gallon daily for each person. This being the season when the very heavy rain falls, gallons might have been daily caught on the schooner's deck by the most common means; the pretext under which she came in was therefore soon exposed. A strict examination of the vessel and cargo was made by the Collector, but nothing material resulted therefrom. After shipping some wood and water, she sailed on the 14th instant for Galinas.

From her Papers, to which the Acting Collector of Customs was so obliging as to allow us reference, it appears she was called the schooner "Terrible," and said to be of 40 tons burthen. She had no regular Register or sailing Licence, but merely a Bill of Sale, officially authenticated, from one of the Civil Courts of New Orleans, to José Prats, of that city, who has appeared on former occasions as the seller of vessels purchased for the Slave Trade of Cuba.

Prats consigned her to the house of Pedro Martinez and Company, of Havana (the Owners of many slave-vessels which have been reported), who despatched her thence on an ostensible voyage to the Cape de Verde Islands, under the command of Philip Grinnel, who declared himself to be an Englishman, but to have naturalized himself as an American. There was 1 Englishman amongst the 5 men, of whom the crew consisted.

The schooner did not visit the Cape Verdes, for which she had cleared out, but came at once to this port.

In the Letter of Instructions from Martinez and Company to the Master of the schooner, which was written in very bad English, the Master was directed to consign himself to Pedro Rodriguez of the Galinas (an agent there for the supply of slave-ships), who was, if he wished it, to "have the vessel at his command," and should he desire "to change the colours," he was to do so for himself. The crew were in this case to be paid off, with 2 months additional wages.

The lading of the schooner consisted of 80 half-pipes of aguardiente, and 53 small packages of tobacco; a cargo by no means sufficiently assorted for carrying on lawful commerce on this part of the Coast.

We have, &c.
(Signed) R. DOHERTY.
The Right Hon. Viscount Palmerston, G.C.B. WALTER W. LEWIS
&c. &c. &c.

No. 9.

Her Majesty's Commissioners to Viscount Palmerston.—(Received November 30.)

Mr. Lord, Sierra Leone, 23d September, 1837.

WE beg leave to make reference to the replies, which we have had the honour of addressing to your Lordship's Despatches of 1836, and of the present year, on the subject of the detention at Havana by the British Commissioner, Mr. Schenley, of the notorious Edward Jousiffe, and his having been sent here for trial for his offences in connexion with the Slave Trade of the Rio Pongos; and to report to your Lordship, that the trial of that man has at length taken place.

In order to give a clear account of this man since his arrival here, we beg leave to repeat to your Lordship, that Her Majesty's schooner "Pincher" did not reach this port until the 23d of last April with the prisoner "Jousiffe," although he had been seized and shipped in this vessel for a passage hither so far back as July of last year, and that when he did arrive, considerable difficulties offered themselves, in making out a clear and strong case against him, to the Colonial Authorities, before whom he was, in the first instance, taken for examination, owing to nearly all the witnesses in the Case, who had been for weeks previously collected and kept in Freetown, in daily expectation of the arrival of Jousiffe, having dispersed themselves to pursue their ordinary occupations so as to procure the means of subsistence; the Local Government not feeling itself authorized to grant these persons the means of support.

These obstacles were, however, gradually overcome by the effective measures taken by the executive Government for obtaining the presence of the required witnesses, and having secured their attendance before the Magistrate who conducted the inquiry, Jousiffe was ultimately fully committed on the 17th May last to take his trial, as a British subject, for having (as the commitment expresses), in places beyond the jurisdiction of this Colony, knowingly and wilfully aided and assisted in carrying away, conveying, and removing certain persons, natives of Africa, as well British subjects as others, as slaves, or for the purpose of their being imported or brought as slaves, into some place or places beyond the seas; and for the purpose of their being sold, used, and dealt with as slaves; and for having also purchased, embarked, received, detained, or confined, or assisted in so doing, on board of some ship or vessel, certain natives of Africa, as well British subjects as others, on the high seas and on shore, contrary to the Statute.

Respecting the emancipated negroes of the Spanish schooner "Preciosa," whom Mr. Schenley represented to your Lordship in his Despatch of the 24th of August, 1836, as likely to be able to give evidence against Jousiffe, it was communicated to us by Commander Byng on his arrival here with the "Pincher," in reply to our inquiries, that Mr. Pridham, who had conducted the "Preciosa" to Honduras, had been sent from Jamaica to that settlement in His Majesty's ship "Wanderer" to identify the people required; but from the cholera raging there at the time of their visit no communication was allowed with the shore. The Superintendent of Honduras, however, acquainted the Commander of the "Wanderer," that the only negro he knew likely to give the evidence sought for, had died of the disease alluded to.

The 15 blacks found on board of the "Preciosa," who were called Kroomen, and who seemed unwilling to give any evidence respecting the prisoner Jousiffe, or the vessel in which they had been seized, when brought before Mr. Schenley at Havana, proved on examination here to be natives of the Rio Pongos, and other places

on this Coast to the northward of the Colony, and were unable or unwilling (we think the latter) to give any satisfactory information. They were, however, kept here until the prisoner had been tried, in the hope of their being ultimately useful in the prosecution, but in this we received only disappointment.

About the time of Jousiffe's committal for trial a notification reached this Colony, that the Chief Justice was on his way hither from England, having arrived at the Gambia, a dependency of this place, where he had to remain to hold the Courts of that settlement. This had the effect of relieving the gentleman who was temporarily acting as presiding Judge of our Law Courts, and rendered the presence of the Chief Justice necessary to the Courts again proceeding in their ordinary course.

As it was doubtful whether an opportunity would offer for the Chief Justice to reach this Colony at an early date, the Government called upon the Commander of the "Pincher" (who had to await the trial of Jousiffe, being a witness for the prosecution) to proceed to the Gambia to convey the Judge hither in His Majesty's schooner; with which requisition Commander Byng readily complied, and left the harbour accordingly on the 20th May last.

No communication with the Gambia took place between that time and the 3d ultimo, when a merchant-vessel arrived here from that settlement, having the Chief Justice on board as a passenger. Of the "Pincher," it was reported that she had proceeded to England; and Mr. Pridham, one of her Officers, was sent down in the merchant-vessel alluded to as a witness to prove Jousiffe's handwriting.

An accumulation of business had unavoidably arisen in the several Law Courts through the long absence of a presiding Judge, and the Sessions for criminal offences did not in consequence commence until the 5th instant.

On the 7th instant a true Bill, on an indictment of 5 counts, was found by the Grand Jury, and the following day appointed for the trial by the Petty Jury. When the preliminary forms had been gone through, and the Case was about to be entered upon, the Counsel for the prisoner made a legal objection to the indictment, as charging the prisoner with distinct acts of felony, and the Court decided, after hearing argument, that the Crown prosecutor must make his election as to which particular offence he would proceed upon, when he named the 3 counts for the minor charge, under the 10th section of the 5th George IV., cap. 113; the Court having previously observed that there was some legal defect in the wording of the 2 counts laid for the capital offence under the 9th section of the said Act.

The witnesses whom the Crown prosecutor brought into Court to support the charge in which he proceeded were 4 men who had formed part of the cargo of the condemned Portuguese schooner "*Nympha*," viz. William March, John Brown, Mousa, and John Macauley.

March proved that he had been bought by Jousiffe as a slave, and sold, or bartered in exchange, for a girl with one of the natives of the Pongos.

The evidence of Mousa and Macauley established their having been purchased by Jousiffe, and by him conveyed to John Ormond's factory, whence they were embarked in the "*Nympha*."

John Brown's evidence was to the effect of having seen 12 slaves in irons in the premises composing Jousiffe's factory or mercantile establishment.

Other witnesses were in attendance, but not called, as the Crown prosecutor thought the testimony of those above-mentioned sufficient to support the indictment.

An European resident, named George Sanson, swore to the prisoner Jousiffe having admitted to him that he was an Englishman, at the time when the prisoner and the witness were in the employment of a Mr. Parker of this Colony.

Mr. Parker, a respectable coloured trader in this river, deposed to nothing material in support of the prosecution. Indeed his testimony was, as far as it went, favourable to the prisoner; of whom he stated, that when in the employ of himself and partner, in the year 1826, at the Rio Nunez, he had redeemed with his employers' goods a boy from slavery. With this witness's evidence the Case for the Crown closed.

For the defence it was ingeniously attempted to establish that Jousiffe had kept a school in the Rio Pongos, in addition to dealing in the articles of lawful produce only which that river affords, and to have refused several offers to trade in slaves made by the natives. Three Mandingo men were put into the witness's box for this purpose. Their testimony, however, was very defective in point of time, as in their anxiety to clear their friend, one of them, who had a singular knowledge for an

African of the European mode of calculating time, declared that he and Jousiffe were living together in the Pongos, when Mr. Lewis knew the prisoner to have been a domestic of the late General Turner. One of these witnesses particularly alluded to a light-coloured man, said to be a Foulah, bearing a similar name to the prisoner, who is a great slave-dealer; an allusion apparently intended to support the assertion made in the defence, that the prisoner had been mistaken for this Foulah through their names being alike. Of the prisoner's identity, however, the witnesses for the prosecution had removed all doubt.

A fourth Mandingo man, who had resided a month with Jousiffe at his factory in the Pongas about 4 years since, stated he had never seen slaves there; and a fifth man deposed, that on paying a visit to Jousiffe he had neither seen slaves at his establishment, nor any offer made to the prisoner to purchase any.

William Brown, a liberated African, the person alluded to by the witness Parker, as having been redeemed by the prisoner from slavery in the Rio Nunez, was produced, and gave evidence to that effect. This witness said that his redemption took place about 8 years since, which was most probably incorrect, as Mr. Parker had stated on his examination that it occurred in 1826. Brown appeared to be a perfectly credible witness.

The occurrence to which he testified was, however, of date long prior to the regular settlement of Jousiffe in the Pongos.

John Thompson, also a liberated African, was the last witness called for the defence. He swore that he was sold into slavery by Duncan Campbell, Tom Cooke, and others; and was afterwards redeemed by Jousiffe in the Rio Pongas; whence he was sent to Sierra Leone by the prisoner, after he had remained at his factory for a period of 3 months. Of the parties concerned in conveying this witness into slavery, he added, that Duncan Campbell and Tom Cooke were tried and executed in November, 1831.

That portion of this witness's statements which applied to the above-named conviction of Campbell and Cooke appears confirmed by the Records of the Colony; but of the other portion no corroboration could be found.

The date of this alleged occurrence, your Lordship will observe, must have been soon after the condemnation of the Portuguese schooner "*Nympha*," in December, 1830, and at a time when the name of the prisoner was constantly publicly spoken of in connexion with the shipping of the slaves seized on board of that vessel.

It is, therefore, somewhat strange that so unexpected an act of humanity from Jousiffe as the one under notice should not have been made public. Had it been so, some one, at least, of the public Officers who were here at that date would have a recollection of the occurrence; but none of the persons of whom we have inquired ever heard of it. We cannot imagine that Jousiffe's friends would have been silent upon the subject at that particular moment; and the inference cannot, therefore, but be unfavourable to the character of the statement.

The public Prosecutor did not reply on the closing of the defence.

The statements of the two witnesses, who had been redeemed by Jousiffe, produced a very favourable impression upon the minds of the Jury by whom he was tried, and induced them, when giving a verdict of "Guilty," strongly to recommend the prisoner for mercy. The decision of the Jury was not given until after some length of time had been occupied in the consideration of their verdict, and was not received by the Court until 11 o'clock at night: the sentence was, in consequence, delayed.

In the mean time, on the 14th instant, another indictment was preferred against the prisoner for the offence of granting a Promissory Note, under date of July 3d, 1830, to pay to Francisco Morales three prime slaves (a Paper mentioned in the Report of the Case of the "*Nympha*"); and the Grand Jury returned thereon a true Bill.

The Crown Prosecutor named the 18th instant for bringing on the trial for this offence; but as, at the opening of the Court on that day, the prisoner was brought up under his previous conviction, and received a sentence of 14 years' transportation, the full term permitted by the law, the Queen's Advocate thought it unnecessary to proceed further against the prisoner, and declined prosecuting under the second Bill against him.

In the sake of example in Sierra Leone, it seems almost a matter of regret that some punishment could not have been awarded which would have taken effect here

The nature of the punishment of transportation is far from being understood among the population of this infant Colony; and the benefit to be expected from the public punishment here of so notorious an offender as Jousiffe will, we fear, cease on his departure hence for some penal settlement.

In Mr. Schenley's Despatch to your Lordship, of the 30th July last, respecting Jousiffe's seizure, that gentleman mentions his having communicated with us upon this subject; and we now beg leave to acquaint your Lordship that we have, in replying to that Letter, given Her Majesty's Commissioners at Havana, a full account of the arrival here of Jousiffe, as well as of the manner in which his trial was conducted and has terminated.

We have, &c.

(Signed)

R. DOHERTY.

WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G. C. B.

&c.

&c.

&c.

SIERRA LEONE. (Spain.)

No. 10.

His Majesty's Commissioners to Viscount Palmerston.—(Received April 22d.)

MY LORD,

Sierra Leone, 18th January 1837.

WITH this Despatch we have the honour of handing to your Lordship our Report of the Case of the Spanish brig, "*San Nicolas*," Angel Calsamilia, Master, condemned, on the 2d instant, for being unlawfully equipped.

The "*San Nicolas*" was detained by His Majesty's brig "*Rolla*," at anchor at the Sea-bar, in the river Sherbro, where she had been laying for the previous six months, without any apparent object; as, with the exception of a few water casks, and some pieces of plank, she was entirely empty, though the Master of her declared he was preparing to go to sea.

The Commander of the "*Rolla*," in his Declaration, stated, that he seized the "*San Nicolas*," for having more bulkheads than requisite for her as a merchant vessel; a small portion of a slave deck and fittings; and hatches, with open gratings, the last of which charges only the evidence produced was sufficient to establish, and upon which she was ultimately declared to be a good prize to the Governments of Great Britain and Spain.

The unlawful hatch of this vessel was one of rather a peculiar description; it was, in fact, a fore and a main hatch placed together, and forming one hatch, or hatchway, of a very extraordinary size, even for a slave vessel. This circumstance suggested a novel point, as to the application of the first section of the Equipment Article, which declares that suspected vessels must have *hatches* of the kind prohibited; whereas, in this instance, there was but one. In giving our decision herein, we observed, that were we to admit that strict and literal reading of the part of the Treaty referred to, which would place this vessel beyond its operation, we should thereby entirely lose sight of the spirit of the Treaty, and render it, to a certain extent, a nullity. We, therefore, stated our conviction, that the equipment of the "*San Nicolas*," in respect to her large main hatch, brought her within the meaning of the first part of the Equipment Article.

The Master entirely failed in proving her to have been engaged in a lawful voyage; as we think will fully appear in the Report of this Case, where we have given our reasons at length for this conclusion.

We hope that our reading of the first part of the 10th Article of the Treaty, as applied in this instance, will be considered by your Lordship as according to the true spirit of the Convention; and, as a different construction would have led to the inconsistency of our defeating the declared object for which the solemn compact in question was entered into, we felt unable to take any other view than the one upon which we have acted.

Throughout the course of this vessel's employment under her late Master, her proceedings have been of a very suspicious character. On leaving the Port of Trinidad de Cuba, to which she belonged, instead of pursuing the route given in her official Papers, and proceeding to St. Paul de Loando, she went to New York, and the rig of the vessel was there changed from that of a schooner to a brig, which she was when brought in here. Subsequently, she went to Danish St. Thomas, where a new crew was shipped, and the cargo brought to the Sherbro was embarked. From the time of her departure from Cuba she had but one Officer (the Boatswain), besides the Master, an arrangement which is extremely unusual, even in small vessels. The prevarication of the Master as to where the voyage would terminate was very pointed, and, when connected with the numerous other questionable circumstances of the Case, led to a conviction of the "*San Nicolas*," having been

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engaged in a prohibited pursuit, and which could on this Coast have only been the Slave Trade.

The "*San Nicolas*" was an American built vessel, and formerly bore the name of "*Grande Marie*," when she was in the Columbian service as a Privateer.

We have, &c.

(Signed)

WALTER W. LEWIS.
H. CAMPBELL.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 10.

Report of the Case of the Spanish brig, "San Nicolas," Angel Calsamilia, Master.

This is the Case of a vessel found under Spanish colours, and with the Papers hereunder mentioned, showing that she belonged to the Port of Trinidad de Cuba:

1. A Royal Passport, No. 135, dated 26th October, 1835, stating that the brig was bound on a lawful commercial voyage to St. Paul de Loando, New York, and St. Thomas. The usual prohibition against engaging in the Slave Trade is on the back of the Passport.

2. Muster-roll, and Arm Licence for 23 men, and 6 guns, 2 12-pounders, 3 18-pounders, and 1 4-pounder. It is peculiar that in this Roll the Master and Boatswain are the only Officers mentioned to belong to so large a vessel and crew.

The Endorsements on this Document are dated at the Spanish Consulate at New York, on the 4th, and 27th February, 1836, and describe that the vessel arrived there on the 21st November, 1835; that many changes had taken place amongst the crew; and that the rig of the vessel had been changed from that of a schooner to a brig.

3. Is a Muster-roll, showing that the "*San Nicolas*" cleared out from Danish St. Thomas, on the 28th April, 1836, having still 23 men on board.

4. Bill of Health, from New York, dated 2nd February, 1836.

5. A similar Document from St. Thomas, dated 27th April, 1836.

6. Custom-house permit for departure from St. Thomas, dated 28th April, 1836, and stating the detained vessel was bound to St. Paul de Loando.

7. A Log-book, written occasionally in Spanish, but chiefly in French; bearing date from the 28th April, to the 7th June, 1836, and describing a voyage, direct from Danish St. Thomas to the river Sherbro.

From these Papers it appears, that the "*San Nicolas*" did not proceed from Trinidad de Cuba, to St. Paul de Loando, which is the first Port named in the destination assigned to her in the Royal Passport, but went first to New York, and then to Danish St. Thomas; the other 2 places mentioned in that Document. Ultimately she came, as before stated, to the river Sherbro; at which place she was found lying at anchor, by Lieutenant Glasce, Commander of Her Majesty's brig, "*Rolla*," who, conceiving her to be fitted for the Slave Trade, detained, and sent her here for adjudication.

The Marshal to the British and Spanish Mixed Court, reported, in the usual manner, the arrival of this vessel on the evening of the 10th ultimo.

On the 12th December, the Captor's Proctor brought in the Papers of the said vessel, duly authenticated by the Captor; at whose instance the Monition, calling upon all parties interested to appear, went forth, and the witnesses produced were ordered for examination.

The Declaration of Lieutenant Glasce states that, on the 2d of December 1836, being at the Sea-bar, an outlet of the Sherbro river, he detained the brig or vessel named the "*San Nicolas*," sailing under Spanish colours, armed with 4 guns, 12 and 9-pounders, commanded by Angel Calsamilia, who declared her to be bound from St. Thomas to Trinidad; and that he had detained her for having hatches with open gratings instead of the close hatches, which are usual in merchant-vessels, and also for having divisions or bulk-heads in the hold in greater number than necessary for a vessel engaged in lawful trade, and having also a small portion of a slave-deck and fittings for the same, being contrary to the 10th Article of the Spanish Treaty of the 28th of June, 1835.

A Commission of Survey of the detained vessel was issued at the request of the Captor's Proctor, in order to support the statements of illegal equipment contained in the Declaration respecting the seizure, the first Report under which was made on the 13th ultimo; an addition to it was subsequently made on the 22d, to clear up some points which the Captor considered essential to his case; and a second on the 30th ultimo, for the satisfaction of the Court. The substance of these three Reports, which we have embodied, is as follows:—The Surveyors found the main-hatchway larger than usually seen on board merchant-vessels of the class of the detained brig, fitted with hatches of wood-grating boarded over. It bore no marks of recent enlargement on the fore-part, but the after-part of the coamings appeared to have been repaired a long time since. The fore-part of the present main-hatchway appeared to be in the place where the fore-hatchway usually is in vessels of her class; and the said main-hatchway was about the size of a fore and main-hatchway together, of the description usually seen in merchant-vessels of her size: the gratings of the said hatchway appeared to have been boarded over about 4 months. There was no fore-hatchway, but the fore-scuttle (or entrance from the deck into the fore-castle), was fitted for an open grating, which was, however, not found on board; the after-hatch not larger than usual. Two scuttles cut, one on each side of the deck a little before the main-mast, but which appeared to have been some time boarded up; a bulk-head dividing fore-castle from main-hold, one dividing the main from the after-hold, and another separating the former Captain's cabin from the after-hold. The division or bulk-head, dividing the main from after-hold or steerage, was not a temporary one, but appeared firmly fixed and to have been nailed a considerable time, and was such an one as is usually seen in merchant-vessels; and the Surveyors believed the said after-hold to have been intended for a steerage. Found a large opening (not a doorway) and two small scuttles or windows in the bulk-head, dividing Captain's lower cabin from the steerage. The large cabin on deck had a scuttle communicating with the cabin below, and through the steerage with the main-hold, making in all one hatchway and two scuttles, besides the main-hatchway. The

after hatchway was not fitted for gratings. The surveyors were of opinion, that the number of bulk-heads was not in greater number below than was necessary for such a vessel engaged on the coast of Africa in a lawful trading voyage. A shifting or unnailed deck laid in the fore-castle or fore-part of the hold; and 5 pieces of spare plank, in all about 70 feet, were also found on board; the planks were not marked or numbered. The surveyors were of opinion that the plank was intended for repairing the vessel. The height from the deck in the fore-castle to the deck-beams was 2 feet 8 inches. There were observed on each side of the hold marks where cleats had been nailed, which cleats appeared to have been some time removed. The height from the said cleat-marks to the deck beams was 3 feet. Two leaguers and two puncheons only were on board, and which formed an unusually small number of casks for a vessel of her class: they were, in all, capable of containing about 740 gallons of water, a quantity not sufficient for her crew. The two leaguers were filled with salt water, and contained about 500 gallons. The puncheons were empty. The cabouse was larger than usually seen on board merchant-vessels of her class, the back of which was fitted for a large boiler. The Surveyors were of opinion that, from the present appearance of this cabouse, it had been in use about 4 years, and that the back part of it was fitted to receive a boiler sufficiently capacious to cook, at one time, enough provisions for a meal for 400 slaves.

The witnesses in preparatory, produced by the seisor's Proctor, were the Master of the detained vessel and two of his seamen, who were all examined by the Registrar, on the 19th ultimo, on the standing as well as on the special interrogatories.

The Master, Angel Calsamilia, deposed as follows:—"He was born at San Augustin, in Florida; has lived at Trinidad de Cuba for the last 11 years; has never served any state but Spain, and is not married. He appointed himself to the command; received possession in Trinidad de Cuba in October, 1835, from Juan Martin Hidalgo, a resident of Trinidad de Cuba, and a Spanish subject; first saw the vessel there and then; believes she was built at Baltimore. He was present when the vessel was captured; does not know for what reason she was detained; had no colours but Spanish. The vessel's name is '*San Nicolas*'; believes she was formerly called '*Gran Maria*,' but cannot say when; she is 226 or 227 tons burthen, and had 22 officers and mariners exclusive of witness, all Spaniards except a few mariners, whom he believes belonged to St. Thomas' (West Indies); all shipped and hired by witness in April last, except two mariners whom he had hired at Trinidad in October, 1835. None of the officers or mariners had any interest in the vessel; there is no cargo; was Master on board; there was no passenger except the man who is acting cook, whose name is Luis; took the said Luis on board at St. Thomas', on condition that he worked his passage to St. Paul de Loando. The present voyage commenced at Trinidad; cannot say where it was to have ended, as he was under the direction of the Supercargo, Pedro Lafarque; the last clearing port was St. Thomas' (West Indies); from Trinidad the vessel went to New York, in ballast, and from thence with a freight of merchandize to St. Thomas'; and, having discharged the cargo there, took another freight, from a different party, of powder, muskets, cutlasses, &c., for St. Paul de Loando; from St. Thomas' the vessel then proceeded to Sea-bar, where the cargo was landed, and the Supercargo went ashore to trade. He first saw the capturing vessel about 8 days after her boats had seized the '*San Nicolas*'; capture took place on the 2d of December, while the vessel lay at anchor in Sea-bar. There are 4 guns mounted; and about 40 or 45 muskets were purchased with the vessel at Trinidad, for defence against pirates; does not know what quantity of cutlasses and ammunition there might be; there was no resistance made; there were no instructions to make any, or to avoid or escape capture, or to conceal or destroy any of the vessel's papers. He is himself sole owner of the vessel; resided at Havana before he lived at Trinidad de Cuba. There was a Bill of Sale from Juan Martin Hidalgo to witness, dated in October at Trinidad de Cuba; does not recollect the witnesses names. The said Document witness had with him; but some time before he was captured, whilst confined to his bed with fever, his trunk was broken open and the Papers named taken out; the price of the vessel was 2,000 dollars, paid in cash, and was a fair equivalent for the vessel; the sale was a true one, and the vessel will belong to witness if restored, and to no other person; there was no private agreement. There is no cargo on board. The cargo shipped at St. Thomas', witness believes was the property of the Supercargo, Lafarque, as he laded it and hired the vessel; believes Lafarque to be a resident of Porto Rico, but knows nothing further about him. The lading from New York to St. Thomas' was chiefly bales of cloth. This is the first voyage witness has been in the vessel, and knows nothing of her former voyages. The Papers delivered up were all true and fair. No Papers were concealed, destroyed, or made away with to his knowledge. He cannot say whether there are any Papers in any country relating to the vessel or cargo. The Bill of Sale, Charterparty, Registro, and some other Papers which he does not particularly recollect, were stolen, as he has already stated, while he was ill; but he does not know by whom they were taken or whether they were destroyed. The Charterparty was between witness and Hidalgo (on behalf of Lafarque) for 5,500 dollars: it was dated at Trinidad de Cuba in 1835. The vessel is not insured; does not know if the cargo was. The vessel was under the management of the Supercargo in regard to her trade. Bulk was broken at Sea-bar, and the cargo landed.

"The hatches are fitted with gratings of wood, but they are boarded over; cannot say what the gratings were for; has heard the vessel was once a Columbian privateer, and supposes the hatches were grated on account of the 'number of the crew.' The coamings of the hatchways are bored, but there are no iron bars for securing the hatches. There is a round-house on deck, and there are the bulk-heads of the cabin and fore-castle below. There are two or three planks on board, does not know their description, they are not fitted to any place, and were intended for necessary repairs. There is no part of a slave-deck laid; the floor of the fore-castle is a moveable one, but was not intended or fit for a slave-deck; the place below was used for stowing blocks, ropes, and other stores. There were no shackles, bolts, or handcuffs. There were only four water casks, and there were no other means of conveying water; cannot say how much water the said casks might contain. There were twelve or fourteen bundles of staves cleared from St. Thomas' for palm-oil; they were sent ashore at Sea-bar with the rest of the cargo; they were entered in the Registro which was stolen, but no security was given at the Custom-house, none was required. He does not know how many mess tins there might be; thinks about two or three. There was only one boiler on board for the use of the crew, and fit for no other purpose; cannot state the size; the cabouse is made to receive a large boiler, but there has never been one since witness purchased the vessel; supposes the cabouse must have been made so on account of the number of the crew of the vessel when she was a privateer. There was a very small quantity, about half a bushel, of rice on board."

Louis Courent, one of the seamen of the detained vessel, confirmed by his evidence the Master's testimony in the most important points, and particularly as regarded the "*San Nicholas*" going direct from St. Thomas' in the West Indies to Sea-bar, and there landing the outward cargo, and its alleged Owner, Lafarque. This witness contradicted the Master as to Lafarque's place of residence, which he declared was St. Thomas'. He also knew more of the vessel's history than her Master and alleged Owner, stating that he first saw her in 1832, when she was a Columbian privateer, and named "*Grande Marie*." Of the vessel's papers, Courent swore he was totally ignorant.

In reply to the special questions touching the vessel's equipment, Courent deposed similarly to the Master; excepting as to the number of water-casks, of which he stated there were never more than 5 altogether, 1 of which, of 150 gallons, had been sent ashore at Sea-bar to the Supercargo, leaving 4 on board.

José Cordovo, the other seaman produced as a witness, was, like the previous one, embarked at St. Thomas'. He appeared to be very ignorant of the affairs of the vessel, the object of her voyage, and of what the outward cargo had consisted. Of the Ship's Papers and the ownership of the cargo he declared he knew nothing whatever. He, however, confirmed the evidence of the 2 witnesses who had been examined as to the vessel having come direct to the Sea-bar from Danish St. Thomas', and having landed her cargo in that river.

Respecting the vessel's equipment he differed a little from the other witnesses. He stated that, in addition to the 4 water-casks then on board, they had had 6 or 8 others, which were sent ashore at the Sherbro to be "*repaired*," and that he had never seen any staves on board.

With this evidence the case for the prosecution closed.

The Master and alleged Owner of this vessel appeared as claimant of her, and on the 17th ultimo presented a petition to be allowed to file a claim and his affidavit in support thereof.

The claim in question having been tendered by his Proctor in an irregular manner according to the practice of the Court, and containing also much irrelevant matter respecting a cargo, said to have been on board of this vessel; which cargo, however, did not appear by the proceedings in the case to have been brought before the Court; and the ownership of the vessel being differently stated in the claim to what it was in the affidavit; the prayer of the petition to file these Papers was not granted.

On the 21st ultimo the Claimant's Proctor brought in an amended claim and affidavit, which he requested permission to file, explaining, that the difference which had appeared as to the ownership of this vessel between the former claim and affidavit in verification of the same was entirely the error of the lad he employed as his copying clerk. This petition was in consequence granted.

The affidavit in support of the claim exhibits the defence of the Master against the prosecution instituted by the Seizor, and is to the following effect:—

"Appeared personally the said Angel Calsamilia, the Master of the said Brig or vessel, and maketh oath, that he is a subject of Her Catholic Majesty the Queen of Spain, and was Master of the said Brig at the time of her capture or seizure by His Britannic Majesty's brig-of-war "*Rolla*," F. H. H. Glasse, Lieutenant and Commander, and that the said Brig was seized and detained on the 2d day of this present month of December, while lying at anchor in the Sea-bar river, in the prosecution of her voyage from St. Thomas' along the Coast of Africa. And he further maketh oath, that he himself, the said deponent, a subject of Her Catholic Majesty, was at the time of the said seizure and detention, and now is, the true and lawful Owner and Proprietor of the said Brig, her tackle, apparel, and furniture; and that Pedro Lafarque is the Owner of the cargo, which was on board the same at the time of her departure from St. Thomas', and that he acted as Supercargo of the said vessel. And the deponent further maketh oath, that he verily believes the said Brig and her cargo are protected by the Treaty or Convention between His Britannic Majesty and Her Catholic Majesty, bearing date the 28th of June, 1835. And deponent further maketh oath, that the said Brig has been detained in the said Sea-bar river ever since the month of June last by the illness of this deponent, and the greater part of the crew of the said Brig, that the said Pedro Lafarque, as Supercargo aforesaid, and for greater security, caused the cargo on board the said Brig, with which she arrived in the said Sea-bar river, to be landed, with the intention of trading in the produce of the country if possible, and that a little while before the said seizure and detention as aforesaid, deponent being partly recovered, repaired on board with his crew in order to make preparations to leave the said Sea-bar river. And he further maketh oath, that no person or persons other than himself have any right, title, or interest in the said Brig. And he verily believes that the said Pedro Lafarque was the sole Owner of the cargo laden on board at the time of the departure of the said vessel from St. Thomas', and which was landed as aforesaid. And deponent further saith, that he is duly authorized to make the claim hereunto annexed, and that the same is a true and just claim, and that he shall be able to make due proof and specification thereof."

On the same day that the amended claim came in, permission was granted to file, on behalf of the Claimant, an Affidavit of one of the seamen of the detained vessel, which is here transcribed.

"Appeared personally Antonio Ribeiro, who being duly sworn, makes oath and says, that he is a seaman belonging to the said Brig, that he has known the said Brig upwards of 3 years, she was formerly a brig schooner, and employed between the Havana and North America. Has heard also, and which he verily believes, that she was a Columbian Privateer. At the time the present Captain purchased her she had a revolving gun, this the Captain sold at St. Thomas', heard him say he had no need of it on his intended voyage to the Coast of Africa; cannot observe any alteration in her fittings than what the said Brig had before she was purchased by the present Master; deponent fully believes she once had open gratings, on account of her being a Privateer, but thinks they must have been boarded over when she left that service, is positive she is in the same state now as when she came into possession of the present Master."

Publication of the Claimant's Case was granted, on his application to that effect, on the 23d ultimo; and a joint Petition from the Proctors on both sides for a day of trial, was received on the 27th following.

The Monition, issued in the Case on the 12th, was returned on the 19th, with the Marshal's Certificate of its having been regularly served.

On the 2d of January the Court assembled for the trial of this vessel, when the various Documents which had been filed in evidence in the Case having been read, the Proctors on both sides were heard on behalf of their clients.

The Proctor for the captors argued, that the report of the Surveyors who had examined the fittings of this vessel, so far supported the charge made against her of being illegally equipped as to establish,

according to the meaning of the 10th Article of the Treaty of the 26th June 1835, a *prima facie* Case of unlawful equipment; and that it was for the Claimant, therefore, to convince the Court, if such were practicable, that he was legitimately employed when detained by His Majesty's Brig "Rolla."

The Proctor for the Claimant endeavoured to throw doubt upon the judgment of the Surveyors to the Court, so as to weaken, if possible, their evidence as to the equipment of the vessel, and contended that the fittings, which were considered unlawful, and adapted to the Slave Trade, were never intended for that purpose, but had been placed in the vessel previous to her being the property of her present owner. In conclusion, the Proctor dwelt upon several points of the evidence which had been received on behalf of his client, and which he declared were, to his mind, so satisfactory and clear, as entirely to exonerate the claimant's vessel from the charges brought against her.

The Court then gave judgment in the Case.

The charges which had been preferred against the "San Nicolas," by her seizer, were her having hatches fitted with open gratings, a greater number of divisions or bulkheads than were necessary for a vessel engaged in lawful trade, and having a small portion of a slave deck, and fittings for the same on board.

One only of the three charges of illegal equipments abovementioned we considered has been at all supported by the evidence adduced in the Case, viz., that of having an unlawfully fitted hatch; and which charge we therefore proceeded to investigate, in order to decide the fate of this vessel. The testimony of the sworn Surveyors upon this point was, that the main hatchway "was very much larger than usually seen in merchant vessels of her class, and fitted with hatches of wood grating boarded over."

The explanation of the Master and alleged Owner of this vessel respecting the main hatchway being thus fitted consisted simply of an acknowledgment of its being in the state represented, and an assertion of his ignorance of what the said gratings were for; adding, that "he supposed they might have been so fitted when she was a Columbian Privateer on account of the number of her crew."

From this statement it was plainly desired, that we should infer the detained vessel was then in the same condition as when she came into the possession of the Master; his not speaking out openly and fairly on this point, upon which he could not pretend ignorance, we thought might have been with some sinister object. The Master probably imagined that, if he could first impress the Court with a belief that the vessel was precisely in the same state as when he bought her, the difficulty as to the open grated hatch with which his vessel was supplied was partially, at least, got over; and that as there existed no other direct and established charge against her, her empty state, and the absence of positive proof as to the employment of the "San Nicolas" in the Sherbro, might have led to acquittal.

The only witness produced in the defence by the Master was a seaman named Antonio Ribeiro, who supported the abovementioned equivocal testimony of his Captain by very direct swearing. Ribeiro deposed, that the vessel's equipment was then the same as it was before the Master bought her, excepting only as regarded a revolving gun, which the Master had sold out of the vessel at St. Thomas. With this meagre explanation and defence the Master left his Case for the Court's decision.

In this prosecution there appeared a novel feature, to which, as it apparently admitted of some degree of doubt respecting the application of the first section of the Equipment Article of the Treaty, we deemed it advisable to allude at the time of adjudication. The point in question was, that in this instance it had been proved the *main hatchway* only was fitted with open gratings, whilst the part of the Treaty above referred to expressly declares that a suspected vessel must have "*hatches fitted with open gratings.*" In coming to the determination to consider the fitting of the "San Nicholas'" main hatch or hatchway, as sufficient to bring her within the operation of the above quoted first section of the Equipment Article, we were influenced by the following consideration:—That it is an admitted principle that the interpretation of a Treaty should ever be in accordance with the intention of the framers thereof, so that it may have its real effect, and not prove vain or nugatory. Under this impression we referred to the Treaty to ascertain the object therein declared to have been contemplated by the High Contracting Parties in framing that Convention, and found that the intention therein expressed was "effectually to abolish the traffic in slaves." In order to effect an object of such importance with greater certainty, the equipment of a vessel in that peculiar manner which is only required for a slaving voyage, was declared by that Treaty to constitute *prima facie* evidence of the guilty occupation of a vessel so fitted. If, therefore, a vessel so equipped in respect to her hatches as this one appeared to have been, the fore and main-hatch being actually combined in one, and thus forming an extraordinary large hatchway capable of affording as much air to those who might be placed on a lower deck, as though the usual fore and main-hatches had been adopted, were to be considered as excluded from the operation of the Treaty, an opening would be at once made for the frustration of the object for which the Treaty had specially been entered into. Such a literal interpretation of the words of the Treaty, we felt would have been very narrow and imperfect, and particularly so when it is expressed in the said Equipment Article, that "*any one*" of the circumstances specified therein shall be considered sufficient evidence whereon to found a *prima facie* case of unlawful employment against a vessel.

The more we looked into the Treaty, the more firmly were we impressed with the conviction, that the expressed and implied intentions of the High Contracting Parties in making that Treaty were, that no British or Spanish vessel should be to any extent whatever prepared for, or should engage in the Slave Trade, without being thereby made liable to the penalty prescribed by that Treaty for such proceedings.

In that part relating to the hatches of a vessel, it is declared unlawful to have other than "the close hatches usual in merchant vessels;" thereby evidently implying, according to our reading of the section in question, that the hatches should, in addition to being close, be of the *size* usual in merchant vessels, and which was not the case on board of the "San Nicolas," her main hatchway being twice the *size* of the hatches usually met with, and which large hatches are requisite only where it is intended to carry a human cargo.

In deciding, as previously mentioned, that the open grated main-hatch of the "San Nicolas" brought her fairly within the meaning of the first section of the Equipment Article, we were under the firm belief, that we were only acting up to the real intentions of the framers of the Treaty, and which Treaty forms the rule of our proceedings in the British and Spanish Mixed Court of Justice.

Respecting the boarding over the open gratings of the main hatchway of this vessel, which was particularly dwelt upon by the Claimant's Proctor as making them a close hatch for the purposes of the Treaty, we briefly remarked, that the rejection of this perfectly indefensible excuse would in this instance take place upon the same principle as had been laid down in the cases of the "General Mina" and "Luisita," to which particular reference has been made in the Report of the last-named case. We could not deem it a lawful excuse, even if it had been satisfactorily proved that the vessel was only equipped in the same manner as when she was bought by her present Master. It is the duty of an Owner to have his vessel fitted out and navigated in strict conformity with the laws of his own country, and the fact of his avoiding or neglecting to do so, entails upon him when detected the consequence of that transgression. In dismissing this point we thought it as well to observe, that the evidence of the Surveyors proved, that the boarding over of the gratings was of recent date; a statement which the personal inspection of one of ourselves served to confirm.

A clear *prima facie* case of equipment for the Slave Trade was thus made out by the seizure of the "San Nicolas," and it only remained to ascertain how far the Master and Owner of the "San Nicolas" had, in compliance with the 10th Article of the Treaty, attempted to clear his vessel of the charge in question, by establishing satisfactory evidence, that she "was at the time of detention, or capture, employed in some legal pursuit."

To the claim of the Master we naturally looked for some information on this head; but only observed therein the following scanty explanation, that the vessel when detained at Sea-bar was in "a voyage from St. Thomas' along the Coast of Africa." The vessel's Papers state, that she was bound direct from St. Thomas' to St. Paul de Loando; and the Master, at his examination in chief, also declared, that the cargo from St. Thomas', which was landed in the Sherbro, was shipped for Loando.

At the time of [detention the Master stated he was bound from St. Thomas' to Trinidad de Cuba; when first examined, that he did not know the destination of his vessel; and in his claim, that he was bound along the Coast of Africa.

The Papers which might have thrown light upon the employment of the vessel, and shown who were really interested in her, viz. the Charterparty, Bill of Sale, and Custom House Clearance, are said by the Master to have been stolen, with other documents, whilst he was ill in the Sherbro; and thus the inconvenience which may have reasonably been anticipated by their production in Court, was readily and conveniently got over.

The absence of the Supercargo was not, however, so easily explained as that of the loss of some of the Ship's Papers. From that man, evidence of importance might have been expected as to the particular objects for which the "San Nicolas" went into the Sherbro. The Master in his claim, without giving any information on this point, only remarks, that the Supercargo Lafarque landed the cargo in that river "for greater security, and with the intention of trading in the produce of the country, if possible."

The absurdity of placing a cargo of goods in the hands of a Native Chief for protection is too great to need further observation, than that the very opposite result to that anticipated would have followed such a course. The other portion of the sentence, as to the Supercargo's intention "to trade in the produce of the country if possible," is very equivocal. It was not attempted to show what kind of produce was sought by them, or what course would have been pursued had the Supercargo's alleged very laudable intentions been frustrated, if the productions of the soil had been unobtainable, and which may be imagined was the case, as it was declared that the Brig was found empty at the time of seizure, although preparing to go to sea.

The "San Nicolas" having been six months at one of the most notorious slave marts on the coast, without having, as far as could be learned, collected any thing in the shape of a lawful return cargo; we think the only reasonable inference to be drawn from these facts is, that the vessel was intended to carry a cargo of slaves thence. If a legal voyage only had been contemplated, the Master would not have neglected to bring forward the Supercargo, who was within a short distance of this place, to assist by his evidence in establishing the legality and honesty of their engagements. The Master's neglect of proving that the voyage in which he had been seized was lawful, we held to be a proof of his incapacity so to do; conceiving that no one would thus knowingly have so far lost sight of his real interest, if the opposite course could have been followed. The whole of the Defence, excepting as to the boarding over of the gratings for the main hatch, rests upon the statements of the Master, which are mainly unsatisfactory, when it might and ought to have been supported by other witnesses, who could have been produced had such been the wish of the Claimant. Connecting the foregoing circumstances with the corroborative evidence afforded by the fact of this vessel being equipped with a regular slave cabouse, complete in all respects except as to the large slave boiler, for the reception of which, however, it was prepared; the sides of the main hold bearing the marks where slave deck cleats have been fixed, and respecting which the Master has taken no notice whatever; the coamings of the main hatchway being bored for hatch-bars, and the present state of the original cabin through a round house having been built over it on the deck, and which has rendered the lower cabin unfit for the habitation of human beings not treated and dealt with as slaves usually are, we could come to no other conclusion than that the "San Nicolas" was engaged in a slaving voyage when seized.

This opinion is to a considerable extent confirmed by the contradictory and confused evidence given by the witnesses in the Case as to the means they had of carrying water in this vessel, and which it was evident had been fully sufficient for her use as a slave vessel.

The empty state in which this vessel was found when detained; the absence of several of her Official Papers, and of a log-book containing the vessel's proceedings during her stay in the Sherbro; the declaration of the Master that he bought the detained vessel for 2,000 dollars, and that through the same man who sold her, he immediately negotiated the Charterparty for the present voyage, which was to produce him the exorbitant amount of 5,500 dollars; and the conflicting statements made by the Master as to the termination of the voyage in which she had been met; were circumstances well calculated to arouse in our minds unfavourable suspicions as to her employment.

With such evidence before us respecting this vessel, we felt it was utterly impossible to come to the conclusion, that it had been satisfactorily proved the detained vessel was engaged in some lawful pursuit when seized by the Commander of His Majesty's brig "Rolla" at Sea-bar; and which conviction it was necessary should have taken place in order to relieve the said vessel from the consequences of having been found with a hatch declared by the Treaty of 28th June, 1835, to be unlawful.

We therefore passed a Sentence on the Spanish brig "*San Nicholas*," condemning her as good prize to the Governments of Great Britain and Spain.

(Signed)

WALTER W. LEWIS.
H. D. CAMPBELL.

Sierra Leone, 18th January 1837.

No. 11.

His Majesty's Commissioners to Viscount Palmerston.—(Received April 22d.)

MY LORD,

Sierra Leone, 18th January, 1837.

In this dispatch we have the honour to forward our Report of the Case of the Spanish pilot-boat, "*Lechuguino*" José Maury, Master, condemned on the 10th instant, on the prosecution of Lieutenant Glasse, commanding His Majesty's brig "*Rolla*," and seizor of the detained vessel.

The Master, José Maury, is well-known to the Courts as an old and determined slave trader, having been now no less than four times brought under their notice. His Majesty's Commissioners have already laid before your Lordship the full history of this notorious individual in their Dispatch marked "Spain," of the 12th September, 1834, to which we would beg to draw attention. The 4 Spanish vessels with which Maury has been proved to have been connected, namely the "*Gaxeta*" in 1820, the "*Atafa Primo*" in 1830, the "*Maria Isabel*" in 1834, and lastly, the "*Lechuguino*," all belonged to St. Jago de Cuba, of which place Maury declares he has been a resident for the last thirty years; and at which these vessels were furnished with the necessary papers for their respective voyages. It would be difficult to adduce a more convincing instance of the inutility of the Spanish penal laws respecting the Slave Trade, than the one afforded by the often repeated adventures of this Spaniard.

The "*Lechuguino*" was captured in the Rio Pongas, a river in the immediate vicinity of this colony, after having embarked 49 slaves, all of whom were living at the time of their emancipation.

The "*Lechuguino*" did not, as Maury has stated in his examination, proceed direct from Cuba to the Cape de Verdes, but went first to Danish St. Thomas, and there embarked some part of her outward cargo.

This vessel was called the "*Oriente*" at the time of her purchase by Maury from one Pablo Frexas, a Master-mariner of St. Jago de Cuba, in April of last year.

We have, &c.

(Signed)

WALTER W. LEWIS.
H. D. CAMPBELL.*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

Enclosure in No. 11.

Report of the Case of the Spanish pilot-boat, "Lechuguino," José Maury, Master.

THE "*Lechuguino*," bearing the flag of Spain, was, on the 27th December, 1836, found at anchor in the Rio Pongas by His Majesty's brig, "*Rolla*," under the command of Lieutenant Glasse, who detained that vessel for having on board 49 slaves, embarked 2 days previously at Bangala in that river.

The Papers delivered up to the Seizing Officer were as follows:

1. Provisional Passport from the Governor of Cuba, for the "*Lechuguino*" to make a voyage of lawful commerce to the Cape de Verde, and St. Thomas' islands. This document is numbered 89, and dated at St. Jago de Cuba, 12th April, 1836; and contains a prohibition against engaging in the Slave Trade.

2. Muster Roll.

3. Custom-house Clearance; and

4. Bill of Health; all from St. Jago de Cuba.

5. Certificate of the Bill of Sale, dated St. Jago de Cuba, 9th April, 1836; wherein José Maury appears as the purchaser, and a Spanish Master-mariner of Cuba, named Pablo Frexas, as the seller of the vessel, for the sum of 410 dollars. The "*Lechuguino*" under her late Owner bore the name of the "*Oriente*."

6. A Clearance from Danish St. Thomas' in the West Indies, dated 18th June, 1836.

7. A Log-book of the voyage from Cuba to the Cape Verdes, and during the vessel's stay in the Rio Pongas.

The "*Lechuguino*" reached this harbour on the 2nd instant, when the Marshal and Surgeon to the Court visited her and made their usual Official Reports. The Surgeon found the slaves clean and healthy, and that no casualty had occurred amongst them, but from the disproportionate size of the vessel to the number embarked, he recommended the slaves being landed as soon as possible; which was carried into effect the following day, the Pructor for the Seizor having that morning brought in a petition to that effect, together with the Ship's Papers duly authenticated, and the Captor's declaration

respecting the seizure of this vessel. At the same time the customary Monition went forth, and the evidence in the case was directed to be taken.

From the Declaration of Lieutenant Glasse, it appeared that he had detained the "*Lechuguino*" as above-mentioned in the Rio Pongas, having Spanish colours flying, and commanded by José Maury, who declared her to be bound to St. Jago de Cuba, with the 49 slaves then on board, and who had been shipped at Bangala in that river.

On the 6th January the witnesses produced by the Seizor, José Maury, the Master, and Francisco Franka, the Boatswain of the detained vessel, underwent examination on the standing Interrogatories.

The Master deposed that he "was born in Catalonia, has lived with his wife and family at St. Jago de Cuba for the last 30 years; has never served any state but Spain. He appointed himself, being Owner, received possession at St. Jago de Cuba in April last from the former Owner, Don Pablo Frexas, a Spanish subject residing in Cuba; first saw the said vessel there and then; she is North American built. He was present when the vessel was captured for having slaves on board; had no colours but Spanish. The vessel has never been called by any other name than "*Lechuguino*;" she is 40 tons burthen; and had 9 officers and mariners exclusive of witness, all Spaniards, hired and shipped by witness in Cuba in April last. He is himself sole Owner of both the vessel and cargo. The present voyage commenced, and was to have ended, at St. Jago de Cuba, and the last clearing port was St. Jago Cape Verdes; from Cuba the vessel went to Cape Verdes, where she remained 2 days, and not finding an opportunity to trade went to the Rio Pongas, where he purchased slaves. He first saw the capturing vessel outside the bar of the Pongas 4 days after her boats had seized witness's schooner; capture took place on the 27th December, whilst the "*Lechuguino*" lay at anchor in the Pongas; there was no chase, or attempt made to escape. There were only 10 muskets, and as many cutlasses, for the defence of the vessel; no resistance was made, there were no instructions to avoid capture, or for concealing, or destroying, any of the vessel's Papers. He lived in Catalonia before he resided in Cuba. There was a Bill of Sale from Frexas, which was given up at the time of capture; the price was 400 dollars (the vessel being in bad condition when witness purchased her), and was paid down; if the vessel be restored she will belong to witness only, there was no private agreement. He is sole Lader, Owner, and Consignee of the cargo; the slaves now on board he intended to land at St. Jago de Cuba on his sole account and risk; and if restored they will belong to him only. He knows nothing of the last voyage; the cargo shipped at Cuba on the present occasion consisted of rum, tobacco, and cloth; 49 slaves were shipped altogether, all from the shore; does not know their descriptions, none died before or since capture; was taken direct to Sierra Leone after capture. The Papers were all true and fair. No Papers were destroyed, concealed, or made away with. There are no Papers besides those delivered up. Bulk was broken in the Rio Pongas, no slaves have been disembarked since capture."

Francisco Franka, the Boatswain, confirmed the foregoing evidence, with the exception of that part which has reference to the Bill of Sale, and the price of the vessel, of which he said he knew nothing.

Publication of this Case was granted on the 7th instant, to the Captor, when his Proctor petitioned for a day of trial.

The Monition which had issued on the 3d instant, was returned by the Marshal, certified to have been properly executed, on the 10th; and the Court having appointed that day for the adjudication of the vessel, assembled accordingly. The evidence in the Case fully established the illegal employment of the "*Lechuguino*" at the time of her detention by His Majesty's brig "*Rolla*;" a Sentence of Confiscation was therefore passed on the vessel and her cargo, as well as a Decree of Emancipation on the 49 slaves seized on board of this vessel.

(Signed)

H. D. CAMPBELL.
WALTER W. LEWIS.

Sierra Leone, 18th January, 1837.

No. 12.

His Majesty's Commissioners to Viscount Palmerston.—(Rec. April 22d.)

MY LORD,

Sierra Leone, 20th January, 1837.

THE Report, which we have now the honour to enclose herewith, is that of the Spanish schooner "*Experimento*," Joaquim de Andricain, Master; seized by His Majesty's brig "*Rolla*," and condemned in the British and Spanish Mixed Court of Justice, on the 12th instant, for illegal equipment. The place of detention was the Rio Pongas.

This vessel belonged to Matanzas, and was said to have been the property of the Master, who formerly commanded the Spanish schooner "*Gaceta*," condemned here on the 5th July, 1836. The last-named vessel also sailed from Matanzas on the outward voyage. The "*Gaceta*" having been prosecuted under the New Treaty, prior to its full operation, the final decision of the Court upon this Case was necessarily delayed some months; although Andricain quitted the Colony on the prosecution being closed in March last, and was in this way enabled to re-enter at once upon his unlawful pursuits. Thus within a period of 12 months has this same individual been engaged, very near to this Colony, in two slaving adventures, both happily frustrated by the capture of the vessels employed in these illegal transactions.

Andricain had left his vessel, with all her Official ship's Papers, previous to the boarding of the man-of-war's boats. Nor could the Commander of the "*Rolla*" subsequently succeed in obtaining possession of these Documents, or of the person of the Master, who would have been the principal witness in the prosecution. No

difficulty was experienced, however, in arriving at the real merits of the Case: as the evidence of the witnesses was of that clear character as to admit of no question respecting her Spanish character.

The "*Experimento*" had been but recently built in the United States, and as American property went by the name of "*Benjamin*." Her name and nationality appear to have been changed at the same time in Cuba.

We have, &c.

(Signed)

WALTER W. LEWIS.

H. D. CAMPBELL.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 12.

Report of the Case of the Spanish schooner "Experimento," of which vessel Joaquin de Andricain is said to have been Master.

THIS is the Case of a vessel found lying at anchor in the Rio Pongas off the village of Saraby, under Spanish colours, but not having any ship's Papers on board, by the Commander of His Majesty's brig "*Rolla*," who, seeing that the said vessel was equipped for the Slave Trade in some respects, seized and sent her to Sierra Leone to be tried for that offence.

The "*Experimento*" arrived here on the 2d instant, and was officially reported to the Court by the Marshal.

From what subsequently appeared in evidence, this vessel was shown to belong to the port of Matanzas, at which a regular set of Official Papers had been obtained for her as a Spanish vessel, and at which the present voyage had commenced in July, 1836. She then went to the Cape de Verde Islands for provisions, and ultimately to the Pongas, where she was detained, as the Boatswain and those of the crew remaining with him on board of her admitted readily that their vessel was Spanish property, and navigated as such.

The Captor, who accompanied his prize into harbour, brought forward the Case on the 4th instant, when his Affidavit of Seizure and Declaration were filed, and the prosecution in all other respects opened in the ordinary manner.

The Affidavit of Seizure stated, respecting the absence of the ship's Papers, that, on demanding them from the Boatswain, the only Officer on board, "he was informed by him that the same were in the possession of the Master, who was on shore at the said village of Saraby; the Seizure on made application to the said Master to repair on board bringing with him the Papers of the vessel, as he and they were required to go with her to Sierra Leone for trial; to which application the Master replied by declaring in writing that he was too ill to come off. The vessel's Papers he retained in his possession.

The Captor's declaration stated, that the seizure of this vessel took place on the 27th ultimo in the Rio Pongas, in consequence of her "having a larger quantity of water in casks than was requisite for the consumption of the crew of the vessel as a merchant vessel; and for having an extraordinary number of water-casks" uncleared at the Custom House of the port from which she had sailed.

On the day that this vessel was brought into Court, the Boatswain delivered up to the Captor a Log-book of her outward voyage, which he stated had been kept by the Mate of the vessel, and he believed to be correct. This Book was subsequently filed with the other Papers in the Case.

The Report of Survey usual in all Equipment Cases, was in this instance made and filed on the 5th instant, which corroborated the allegations contained in the Declaration. The points of illegal equipment substantiated by this evidence were, that 49 water-casks, of different sizes, had been found, in all capable of containing 6,100 gallons of water, a quantity more than sufficient for the crew, and nearly the whole of the said casks were filled with fresh water, of which there was about 6,000 gallons on board—an extraordinary number of water-casks for a vessel of her class; and a caboose, which, although in its present state not larger than usual, was provided with a spare back and two side pieces for receiving an iron boiler.

The witnesses in preparatory, the Boatswain, José Fornells, and the seaman, Manuel Gomez underwent examination on the 6th instant.

The first witness stated, that "the Master's name is Joaquim Andricain, has known him about 6 years, he was born at Mahon and lives there. The Master is Owner of the vessel, and appointed himself; does not know who gave him possession, believes he got the same about 7 months ago at Matanzas; first saw the said vessel there about 6½ months since; believes she is North American built. Was on board at the time of capture, but does not know for what reason the vessel was seized; sailed under Spanish colours, and had no others. The vessel was called '*Benjamin*,' when Andricain bought her from her former Owner, whose name he does not know, but he was an American; the vessel has since been called '*Experimento*;' does not know her tonnage, believes about 75, and had 14 officers and mariners exclusive of the Master, all Spaniards, hired and shipped by the said Master at Matanzas about 6 months ago. Neither he nor any other of the officers and mariners had any interest in the vessel or cargo; was Boatswain on board. The last clearing-port was St. Jago de Cape Verdes, and the voyage began at Matanzas; does not know where it was to have ended; from Matanzas the vessel went to St. Jago Cape Verdes, and took in some fresh provisions, and after remaining there 4 days went to Rio Pongas, where the Master went ashore being ill; does not know for what reason the vessel went into that river. First saw the capturing vessel outside the bar of the Pongas 3 days after her boat had seized the '*Experimento*,' whilst at anchor in that river; does not know where the vessel's Papers were for; capture took place about 10 days ago. No resistance was made, there were no instructions to make any, or to avoid capture, or to destroy or conceal any of the Papers. The Master, who is a Spanish subject, is sole Owner of the vessel; knows it because the Master told him so. Knows nothing about any Bill of Sale, the price was three thousand two hundred dollars, witness saw it paid to the former American Owner, believes the sale to have been a true one, and that the vessel will belong to the said Master if restored; knows of no private agreement. The Master is sole Owner, Lader, and Consignee of the cargo; it was loaded in the Rio

CLASS A.

Pongas. Knows nothing of the last voyage, the cargo on this was shipped at Matanzas, and consisted of about 30 barrels of Aquardiente, and 4,000 or 5,000 dollars (gold and silver). The vessel was taken direct to Sierra Leone after capture; there were no Papers delivered up, or on board at the time of capture, except the Log-book written by the Mate, and which he believes to be true. There were no Papers destroyed or concealed; the Master had the people ashore with him at the time of capture. They were Spanish Papers. Knows of no other Papers relating to the vessel or cargo, besides those in the possession of the Master. There was no Chart-party."

The Boatwain further deposed as regarded the detained vessel's equipment, that "the hatches are close, and not with gratings of any kind. The coamings of the hatches are not bored, and there are no iron bars. There are the bulkheads, of the cabin and fore-castle only. There are no spare planks. There is no part of a deck laid. There were no shackles, bolts, or handcuffs. There are 34 or 35 water-casks, large and small, does not know the quantity of water they could contain, they are all filled with fresh water, most of those casks had been previously filled with Aquardiente; there were only 8 water-casks belonging to the vessel, each capable of holding 120 gallons; the reason they were filled with fresh water was, that the water along where they anchored was not salt. There was no mess tins for the crew. There was no boiler. There were 8 bags of rice for the use of the crew."

The second witness, the seaman, M. Gomez, gave evidence corroborative of the Boatwain's testimony; confirming in the most direct manner the statements of the previous witness as to the vessel having been fitted out and supplied with Spanish Papers at Matanzas, flying under the Spanish flag, and the Master and alleged Owner being a Spanish subject.

The Captor's case was closed by its publication on the 7th instant; and on the 12th the Motion was returned into Court, which had issued on the 4th current.

The Court met on the day of the expiry of the Motion for a final decision on the case of the "Experimento." The evidence which had been received in the case we were of opinion distinctly showed the "Experimento" to be unquestionably a Spanish vessel, and therefore within the jurisdiction of the British and Spanish Mixed Court for trial on a charge of being equipped for the Slave Trade. And as that charge of unlawful equipment had been proved to have been correctly founded, she having actually on board more casks or vessels for carrying liquid than were requisite for the crew of such a vessel, as well as more fresh water; a Decree of Condemnation was passed upon the detained vessel as prize to the Crowns of Great Britain and Spain.

Sierra Leone, 20th January, 1837.

(Signed)

WALTER W. LEWIS,
H. D. CAMPBELL.

No. 13.

His Majesty's Commissioner, Viscount Palmerston.—(Received April 22.)

MY LORD,

Sierra Leone, 20th January, 1837.

THE Case of the Spanish schooner, "Gata," the Report of which we beg to enclose, presents the usual features of an unsuccessful slave-trading adventure. A cargo of 111 slaves had been shipped in the Bonny, intended for disposal at Havana; and the "Gata" was attempting to get over the Bonny Bar with them on her return to Cuba, when the boats of His Majesty's sloop, "Scout," Commander Robert George, seized her on the 5th December, 1836. After capture, the detained vessel was dispatched to this place for trial.

The condemnation of the vessel and the emancipation of the 101 surviving slaves took place on the 12th January, after the completion of the usual prosecution.

We beg leave to draw your Lordship's attention to a singular passage contained in one of the ship's Papers, the Manifest of Cargo, granted by the Havana Custom-house Authorities. A clearance is therein given to an unusual number of casks, at that time principally filled with water, but intended on the return voyage, as the Document distinctly states, to be used for holding "palmi christi," or common castor-oil, an article, we believe, not prepared for exportation by any of the natives of this Coast. It is needless to point out the glaring absurdity of such an intention; but the manifest attempt on the part of the Custom-house Officers, to conceal the real intended employment of these water-casks, deserves some notice. Such, as one, out of the numerous subterfuges, which the connivance of the Havana Authorities affords to the Spanish slave-trader wherewith to endeavour to shield himself from the operation of the Equipment Article of the new Treaty.

We have, &c.

(Signed)

WALTER W. LEWIS,
H. D. CAMPBELL.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

Enclosure in No. 18.

Report of the Case of the Spanish schooner "Gata," José Vicente Larrazabal, Master.

This vessel was in the month of May last year, when bearing the Flag of the United States, and under the name of the "George W. Morris," was sold by Charles G. Cox, through Messieurs Drake and Co. of Havana, Agents of the firm of Kemp and Farnham of New York, to Francisco Equilcor, a Spanish resident of that city. In the following month this vessel left Havana, bound to the Bonny, with the undesignated ship's Papers, all of which, excepting the Bill of Sale, openly declare her destination to be the most notorious slave mart.

1. Provisional Passport from the Governor of Cuba.
2. Muster-roll.
3. Custom-house Manifest.
4. Bill of Sale.

After getting Havana, it is alleged, that the vessel was compelled to enter the port of Charleston for repairs. Here the Master made some addition to his outward cargo, and procured two American Custom-house Papers, a Clearance, and Bill of Health, the latter of which was authenticated by the Spanish Consul at Charleston. The "Gata" then proceeded to the Cape de Verde for wood and water, and after a short stay sailed direct for the Bonny. One hundred and eleven slaves were collected and shipped in this river on the 5th December, 1836, and in the night of the same day the boats of His Majesty's sloop "Scout" surprised the "Gata" in the Portuguese channel at the entrance of the Bonny, and captured her. Commander Craigie then despatched this vessel to Sierra Leone for trial.

The Marshal and Surgeon visited the Gata on the 4th January, 1837, for the purpose of making their separate Reports. The latter officer pronounced the general aspect of the slaves to have been good, but as 50 of them required medical treatment in various degrees, he recommended their immediate landing. This measure was adopted on the following day.

The prosecution commenced on the 5th instant, when the Monition, which was returned on the 12th, went forth, the Papers and Declaration were filed, and the evidence directed to be taken.

The substance of the allegations, embodied in Commander Craigie's Declaration, is that the "Gata" was captured at the entrance of the Bonny on the 5th December, 1836, under Spanish colours; and that she had then on board 111 slaves shipped in that river on the day of capture.

The Registrar took the examinations of the Master, José Vicente de Larrazabal, and of the Mate, Ramon Mendez, on the 7th instant.

The first witness deposed, that "he was born near Bilbao, and has lived at Santander for the last thirteen years, but never served any state but Spain. Was appointed to the command by the owner of the vessel, whose name he does not recollect, but it is in the vessel's Papers; possession was given to witness by the said owner (who is a Spanish subject, and a resident of Havana) on the 1st June last, at Havana. First saw the said vessel there on the 25th May last; she was built in North America. Was present when the vessel was captured for having slaves on board; sailed under Spanish colours; there was also an old American flag, but which was not made use of. The vessel has always been called "Gata," and has no other name; she is 32 tons burthen, and had 11 officers and mariners, exclusive of witness, all Spaniards, hired and shipped by witness at Havana on the 7th June last. Neither he nor any of the officers or mariners had any interest in either the vessel or cargo; was Master on board. The last clearing port was Charleston, but the voyage commenced and was to have ended at Havana; after leaving Havana the vessel was forced to put into Charleston to get a new foremast, the old one having been struck by lightning; remained there 9 days, and shipped 21 hogsheads of tobacco, and from thence proceeded to St. Jago, Cape Verde, where he took in wood and water, and after remaining 10 days, proceeded to the Bonny, where he made trade with the natives and purchased slaves. First saw the capturing vessel outside the Bonny, on the third day after her boats had seen the "Gata;" capture took place on the 5th December last at night, inside the bar of the Bonny; there was no chase, the boats were not seen until they came alongside; witness was steering at the time for Cuba. No resistance was made; there were no instructions to make any, or to avoid capture, or for concealing or destroying any of the vessel's Papers. Does not remember the owner's name; was acquainted with him only a few days before he was appointed to the command; believes him to be the owner from his being employed by him; and believes him to be a native of Bilbao, and that he lived there previously to residing in Havana; does not know if the said owner be married. There is a Bill of Sale amongst the Papers, but he knows nothing further about it, and cannot say if the price be paid; knows of no private agreement. The Owner of the vessel is also Owner and Consignee of the cargo; witness loaded the slaves now on board, and they were to have been landed at Cuba for the sole account and risk of the said Owner, who is a merchant at Havana. Knows nothing of the last voyage; the cargo shipped at Havana was rum and a little rice; the present cargo is slaves; 111 were shipped altogether, all from the shore; does not recollect their descriptions; none died before capture, some have died since, believes 9; the vessel was taken direct to Sierra Leone after capture. The Papers delivered up were and are all true and fair. No papers were destroyed, concealed, or made away with. Knows of the existence of no other Papers relating to the vessel or cargo. There was no Charterparty."

The Mate, Ramon Mendez, gave evidence of a like nature to that above recapitulated.

It was shown by a petition filed on the 7th instant, that 9 deaths had occurred amongst the slaves since capture. With this proceeding the case was completed, and publication was granted on the 9th January.

The Court met on the 15th instant to decide upon the case of the "Gata." The evidence then read clearly proved the illicit character of the vessel's voyage and employment; the Court therefore decreed the condemnation of the "Gata," and the emancipation of the surviving slaves, in number 101.

Sierra Leone, 20th January, 1837.

(Signed)

WALTER W. LEWIS.
H. D. CAMPBELL.

No. 14.

His Majesty's Commissioners to Viscount Palmerston.—(Received April 22.)

MY LORD,

Sierra Leone, 23d January, 1837.

WE have had the honour to receive your Lordship's Despatch of the 7th December, 1836, conveying to us your Lordship's entire approval of a Declaration, contained in our judgment on the case of the Spanish brigantine "*Roxarito*," to the effect that under no circumstances could shackles, bolts, or handcuffs, be deemed articles of lawful commerce; and we beg to assure your Lordship that we have been much gratified by this expression of your Lordship's approbation.

We have, &c.

(Signed)

WALTER W. LEWIS.
H. D. CAMPBELL.*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

No. 15.

Viscount Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 24th April, 1837.

WITH reference to your Despatch of the 27th June, 1836, on the subject of the charge brought by the Master of the "*Segunda Iberia*," against the crew of the detained vessel, the "*Fair Rosamond*," of plundering various articles of personal property; I herewith transmit to you, for your information, the accompanying Copy of a Letter, and of its Enclosures, from the Admiralty, containing a statement made by Lieutenant George Rose, late in command of the "*Fair Rosamond*," in explanation of the circumstances alleged against him and the crew of that vessel.

I am, &c.

His Majesty's Commissioners,
&c.

(Signed)

PALMERSTON.

Enclosure in No. 15.

Mr. Wood to the Hon. W. Fox Strangways.

SIR,

Admiralty, 9th April, 1837.

IN return to your Letter of the 22d of September last, with its several Enclosures, upon the subject of the Spanish schooner "*Segunda Iberia*," condemned at Sierra Leone for being engaged in the illegal traffic in slaves, and the charge against the crew of the detaining vessel, the "*Fair Rosamond*," of plundering various articles of personal property; I am commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Viscount Palmerston, copies of a Letter and its Enclosures from Lieutenant George Rose, late in command of the "*Fair Rosamond*," in explanation of the circumstances alleged against him and the crew of that vessel.

I am, &c.

The Hon. W. Fox Strangways, Foreign Office,
&c.

(Signed)

C. WOOD.

First Sub-Enclosure in No. 15.

Lieutenant Rose to Sir John Barrow, Bart.

SIR,

4, Alie-place, 4th April, 1837.

IN reply to your Letter of the 23d ultimo, I have the honour to enclose, for the information of my Lords Commissioners of the Admiralty, the following statements and accompanying documents, relative to the charge of plunder made against the crew of the "*Fair Rosamond*" while under my command on the coast of Africa.

I beg to submit the following statement of facts as they occurred relative to the capture of the "*Segunda Iberia*" by me on the 28th Dec. 1835. The Master of the condemned vessel, Mariano Caias, came on board the "*Fair Rosamond*" in company with Mr. Glynn, my senior Mate; who, from the time of her capture, had had charge of the detained vessel. Mr. Glynn reported to me, that Mariano Caias had charged the crew of the "*Fair Rosamond*" with having plundered him of certain articles of personal property during his absence; this charge was substantiated by the Cabin-boy of the detained vessel, who deposed to having seen two of my men break open a trunk, and take from thence certain articles, the property of his master. I requested the boy to point out the individuals whom he accused of the act, which he did, but apparently under an impression of doubt. I here beg to observe that Mariano Caias varied his statement of the property he deposed to having lost. Desirous however of giving the matter the fullest investigation, I ordered the two men charged by the boy with the robbery to be placed in irons, and the lower deck to be cleared; the accused persons were searched, but nothing was found on them. I then ordered the lower deck to be searched under the direction of two officers, and every man's bag to be handed up, which was done and searched in my presence,

and in the presence of Mariano Caias and his boy, but nothing was found in the possession of any of my crew. After this I ordered the bags of the Spaniards to be searched; from these were taken several articles of personal property and of trade, challenged by Mariano Caias as belonging to himself; these were delivered to him, also a pair of pistols picked up in the search, but not attached to any one. Having done this much in the presence of Mariano Caias, I inquired of him if he were satisfied that I had done everything in my power for the recovery of his property? He replied, that I had. I again asked him, if he could suggest any further measures that I should adopt for his satisfaction. He replied, No; that he was perfectly satisfied. I then required of him to sign a Document signifying (the same, which he did without hesitation, I here beg to remark, that after this scrutiny the general impression on board the "Fair Rosamond" was, that the robbery had not been committed by her crew but by the crew of the captured vessel, and most probably during that period of confusion which generally prevails when a ship has no chance of escape. We were further borne out in this belief by the circumstance, that whatever property was discovered belonging to the Master of the captured vessel was found in the possession of his own men; and the testimony of the boy is invalidated by the same circumstance. After the adjudication of the "*Segunda Iberia*," a Letter from my Agent at Sierra Leone informed me that Mariano Caias had preferred in the Court the charge of robbery against the crew of the "Fair Rosamond" and that the Court had recommended my Proctor to make satisfactory remuneration to the Master of the condemned vessel for the losses he had sustained, which of course he declined to do. My Proctor also, I was informed, moved the Court to allow the matter to stand over till my arrival at Sierra Leone, which the Court objected to, on the ground that the date of my arrival was uncertain, and referred the matter to England. Sometime in the month of March, while at Fernando Po, I fell in with two officers belonging to the squadron, Lieutenant McCleverty, of His Majesty's ship "Etna," and Mr. Shears, Mate of His Majesty's ship "Pylades," who had been in Court at the adjudication of "*Segunda Iberia*." These gentlemen had heard the Court strongly censure my conduct in regard to the transaction under discussion, notwithstanding the testimony of the prize-crew that I had used every exertion to detect the robbery, and that nothing had been found in the possession of any of my men. These remarks of the Court excited the surprise and indignation of the two above-named Officers, who reported the proceedings to me; and I could name Officers in command on the Coast who expressed similar feelings on hearing that a British Officer had been censured on such evidence by the Court, and that my Agent should have been required to make restitution for articles when not an individual thing was found in the possession of any of my men; and will it be believed, that 4 months after thus censuring my conduct, the Court should state that they had refrained expressing any opinion until I had been afforded an opportunity of replying to them? I beg to call the attention of your Lordships to the Paper, entitled "Extracts of the Judgment given in the Case of the Spanish schooner, '*Segunda Iberia*,' &c., dated 3d February, contained among the Papers forwarded to me from the Admiralty. It is there stated, that the Court suggested that it would materially benefit my case, my Proctor would make satisfactory remuneration to Mariano Caias for the losses he had clearly sustained. To have done this would have been to acknowledge that there had been, as the Court supposed, "some very irregular proceedings," but how does the Court arrive at this most logical conclusion? It states that Mariano Caias was plundered by the crew of the capturing vessel is proved not only by the evidence of Caias and his servant, but by the exculpatory Documents drawn up by the Captor himself, and by the admission of his own witnesses that part of the plundered property was recovered and restored. I here beg to remark, that Mariano Caias's evidence only went to prove that he was robbed, *not by whom*; and that it is the boy's evidence *alone* which attaches it to the crew of the capturing vessel; the exculpatory Documents does not, cannot prove the robbery; and surely no other British Court would have come to the conclusion that plundered property found in the possession of the complainant's men proved that the defendant's party were the robbers: yet such is the logic of the Court.

Conscious as I am of having acted in this affair with perfect integrity, and of having used every means within my power to bring the offenders to justice, if such had been detected, I do not feel that the Court respected as it ought to have done the integrity of British Officers, when it evinces a disposition rather to receive the depositions of the criminals who stand before it, than the unimpeached testimony of British subjects.

On my arrival at Sierra Leone in June, 1836, I was called upon by the Court to render further explanations relative to the capture of the "*Segunda Iberia*," which I declined attending to as I was informed that the matter had already been referred to England; this alone was the reason of my refusing to give further information to the Court; and I was supported in this determination by the advice of my Proctor and my Agent. In conclusion, I beg to observe that every effort to detect the robbery was used immediately the charge was made; that I discovered no proof of its having been committed; that there was no circumstantial evidence to corroborate the assertion of the boy who made the accusation, but that there was evidence to invalidate his testimony, and I could not therefore in justice punish the individuals charged with the robbery. My object in the above statement has been to establish these points. I trust their Lordships will not imagine that my conduct has been influenced by any feeling of disrespect towards our established Court, though I must express myself dissatisfied with the decision of that Court in this particular case.

The testimony of my Officers will be sufficient to corroborate the foregoing statement, for the length of which I must apologize to their Lordships. I now submit the matter to their Lordships' consideration, hoping the explanation I have offered will prove satisfactory.

I have, &c.

(Signed) GEORGE ROSE, Lieut., and late
Commander of His Majesty's ship "Fair Rosamond."

Sir John Barrow, Bart.

Second Sub-Enclosure in No. 15.

Mr. R. G. Wills to Lieut. G. Rose.

His Majesty's Schooner "Fair Rosamond,"
Coast of Africa, 25th June, 1836.

SIR,

In answer to your Letter of to-day's date, I beg to state that when the Spanish crew came on board the "Fair Rosamond," by your order I superintended the searching of their bags, clothes, &c

and found in them a great quantity of trade cloths, tobacco, knives, beads, cheeses, and jars of preserves; the whole of which the Spanish Captain, who was on board at the time, owned to be his and part of the cargo; that the whole was sent back on board the Spanish schooner, although he pressed you to accept some of the latter; and when the Spanish Captain said he had been robbed of some doubloons, &c., I strictly (with the Petty Officers) searched the whole of our crew individually, their bags, and the lower deck, and could not find any; and I am of opinion that every exertion was used by you and every individual on board to recover the said money, which I strongly suspect the Captain never possessed, as he equivocated so much about the amount.

I have, &c.
 Lieutenant G. Rose, (Signed) E. G. WILLS, Second Master.
 commanding His Majesty's Schooner "Fair Rosamond,"
 &c. &c. &c.

Third Sub-Enclosure in No. 15.

Mr. J. G. N. Thain to Lieut. G. Rose.

His Majesty's Schooner "Fair Rosamond,"
 23d June, 1836, at Sea.

SIR,

In reply to your Letter of the 22d, I have to state the following: On the 26th December, 1835, about noon, the Captain of the "Segunda Iberia" (prize to this schooner) came on board, and stated that he had lost 2 doubloons and some dollars out of his trunk; also a spyglass and looking-glass. The lower deck was strictly searched, also the ship's company's bags, but nothing found. A looking-glass was found in the boat that brought the prisoners from the prize, also a brace of pistols, which were given to me to deliver to the Captain. On my arrival at Sierra Leone, during the time the vessels were in company, I inquired very much about the doubloons, saying, at first it was 2 doubloons and some dollars he had lost; and afterwards saying, when you came on board, it was 8 doubloons in gold and dollars.

I never heard him mention a word about the silver fork, spoon, and silver-handled knife, nor anything except those articles mentioned above. The first time I heard it at all mentioned was after his examination by the Court of Mixed Commission by the Proctor.

It is my firm belief that the Captain of the "Segunda Iberia" had not the articles he pretended to miss, if he had them, they were taken from the vessel by some of his own crew; and when I was sent on board to take charge of the vessel, I took with me a quantity of cloth which had been brought from her by the prisoners.

I have, &c.
 Lieutenant G. Rose, (Signed) J. G. N. THAIN, Master's Assistant.
 commanding His Majesty's Schooner "Fair Rosamond,"
 &c. &c. &c.

Fourth Sub-Enclosure in No. 15.

(Copy.)

Mr. E. A. Glynn to Lieut. G. Rose.

SIR,

His Majesty's Schooner "Fair Rosamond," Sierra Leone, 22d June, 1836.

In pursuance of your Letter of the 22d inst., I beg to state the following:—On December, 1835, I was sent in charge of the boats to board a strange vessel, apparently a slaver, on our weather beam about 2 miles. On boarding I found her full of slaves, when I ran her before the wind to join the "Fair Rosamond," and remained on board that night while removing the prisoners, the Spanish Captain having been sent on board with his Papers. On his return he complained to me that his trunk had been robbed to the amount of 40 and odd dollars, saying at the time it was 2 doubloons and the rest in dollars. I immediately took him on board the "Fair Rosamond," and reported it to the Commander, when he altered his statement of the money to 2 doubloons and 40 dollars; and after that said it was 7 or 8 doubloons.

With respect to the silver cup, spoon, silver-handled knife, watch, and telescope, I never heard a word about it until after the arrival of the "Fair Rosamond" in this port.

I remember sending a message to my Commander, saying that the Spanish crew had a great quantity of goods, which I thought was part of her cargo, in their bags.

In answer I received a message to say they would be examined on board the "Fair Rosamond," which was done, and a great quantity of trade cloth and beads was sent back in the same boat with the Spanish Captain.

I also remember some studs being picked up on the "Fair Rosamond's" deck, but cannot say how they came on board.

I have, &c.
 Lieut. G. Rose, commanding His Majesty's Schooner "Fair Rosamond," (Signed) E. A. GLYNN, Mate.

Fifth Sub-Enclosure in No. 15.

Mr. J. Scriven to Lieut. J. Rose.

SIR,

His Majesty's Schooner "Fair Rosamond," Sierra Leone, 22d June, 1836.

In reply to your Letter of this date I have to state, that a short time after parting company with the "Segunda Iberia," one of the prisoners producing a spy-glass, and wishing to sell it to me for 5 dollars, from previous circumstances I have strong suspicions that it belonged to the Captain of the said vessel, who had complained that he was robbed of several articles by the men belonging to the "Fair Rosamond," some of which were found in the bags of the prisoners; for instance, a looking-glass, some beads, a ring, and some silver buttons, which were picked up on the deck.

I am, &c.
 Lieut. G. Rose, commanding His Majesty's Schooner (Signed) J. SCRIVEN.
 "Fair Rosamond," Sierra Leone.

Sixth Sub-Enclosure in No. 15.

Mr. John A. Shears to Lieut. G. Rose.

SIR,

On the condemnation of the "*Segunda Iberia*," I heard the censure passed on the officers of the "*Fair Rosamond*" by the Mixed Commission on this subject: The Captain and another of the latter "*Segunda Iberia*" having sworn that daggers and dollars were stolen by members of the "*Fair Rosamond*," Mr. Macauley said that he felt sorry to advert upon the part of those belonging to the "*Fair Rosamond*," but in consequence of the losses having been sworn by the Proprietors, he had written a Letter to the Admiralty relating the circumstance. Mr. Bogan then rose and requested the Court to suspend their decision of the case until the arrival of Lieut. Rose. In reply to which Mr. Macauley stated his wishes to have Mr. Rose there; but as it was uncertain at what time Mr. Rose would be at Sierra Leone, the case was decided on the oath of the two men above mentioned.

(Signed)

JOHN A. SHEARS,

Lieut. Rose, His Majesty's Schooner
"Fair Rosamond."

His Majesty's Schooner "Pylades."

No. 16.

Viscount Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 30th May, 1837.

WITH reference to your Despatch of the 18th of January last, reporting the condemnation of the Spanish brig "*San Nicolas*," I have to acquaint you that I agree with the opinion entertained by the Court, that a vessel having only one large hatch fitted with gratings, instead of hatches as required by the letter of the Treaty, comes within the provisions of the first section of the Equipment Article, and must be considered as having a *prima facie* case of unlawful employment made out against her; and I, therefore, entirely approve of the sentence of condemnation pronounced by the Mixed Court upon the "*San Nicolas*."

I am, &c.

His Majesty's Commissioners,
&c. &c. &c.

(Signed)

PALMERSTON.

No. 17.

Viscount Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 19th June, 1837.

WITH reference to my Despatch to you of the 3d of September last, informing you that His Majesty's Government was of opinion that the two vessels having on board part of the officers and crews of Spanish slavers, then awaiting adjudication at Sierra Leone, should not have been permitted to leave the Colony, I herewith transmit to you a Copy of a Communication from the Colonial Department, containing a letter from Lieutenant-Governor Campbell upon this subject.

This Paper has been referred to His Majesty's Advocate-General, who has reported, that as it now appears from the Letter of the Legal Adviser of the Lieutenant-Governor, that the witnesses had been examined on the Standing Interrogatories, and that there are no local regulations in the Colony to prevent their departure, he thinks that the Governor would not have been justified in detaining them.

I am, &c.

His Majesty's Commissioners,
&c. &c. &c.

(Signed)

PALMERSTON.

Enclosure in No. 17.

Mr. Stephen to Hon. W. Fox Strangways.

Evening-street, 20th February, 1837.

WITH reference to your Letter of the 3d September last, inclosing a Despatch from His Majesty's Commissioners at Sierra Leone, giving an account of the departure from that port of two vessels under the Spanish flag, having on board part of the officers and crews of Spanish slavers, who had been detained under the Treaty with Spain of the 28th of June, 1824, and were then awaiting adjudication, I am directed by Lord Glenelg to transmit to you, for the information of Viscount Palmerston, Copies of a Despatch, and of its Inclosures, which have been received from the Lieutenant-Governor of Sierra Leone upon this subject.

I am, &c.

Hon. W. Fox Strangways,
&c. &c. &c.

(Signed)

JAMES STEPHEN.

First Sub-Enclosure in No. 15.

Lieutenant Governor Campbell to Lord Glenelg.

MY LORD,

Government House, Sierra Leone, 24th December, 1836.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 2d September last, upon the subject of the departure of the crews of certain condemned Spanish slave-vessels from this Colony. I beg leave to endorse the opinion of my Legal Adviser, by which your Lordship will perceive that the Local Government could not legally have prevented the Spanish purchasing the "Experiment" and "Alfred," or their subsequent leaving this port with passengers.

I have, therefore, to beg your Lordship will be pleased to direct me how to proceed in the event of similar circumstances occurring.

The Lord Glenelg,
&c. &c.

I have, &c.
(Signed) H. D. CAMPBELL.

Second Sub-Enclosure in No. 17.

Mr. Savage to Mr. Cole.

SIR,

Sierra Leone, 23d December, 1836.

In compliance with his Excellency's desire that I should give an opinion on the facts connected with the departure from this Colony of the former British owned vessels, the "Experiment" and "Alfred," with detained foreigners under the Spanish flag, I proceed, therefore, to do so with full reference to the events with which the same was connected, and of which, Sir, you must be aware I am intimately acquainted. From the time of my Lord Glenelg's communication on the subject to his Excellency, I conclude that the information of the 5th May last from the British Commissioners must have been understood as a complaint, and that, consequently, a legal opinion was taken under that impression; and for the purpose of ascertaining if there existed any means of preventing the departure of persons of a similar description and under similar circumstances to those alluded to. I understand the Commissioners, however, to have intended solely to state the facts as they arose, having in reality no cause of complaint, as neither the absence of those persons or the departure of the vessels had the slightest effect upon their proceedings.

It is well known that the evidence against the detained vessels under the New Treaty with Spain is derived almost solely from the vessels themselves, and which no other testimony can invalidate. If the outfit is contrary to the stipulations of the 10th Article, the vessel will be condemned; all before the Court at the time alluded to, with the exception of 3 or 4, were so situated: the Masters and others concerned therefore conscious of the fate awaiting them, thought fit to leave the Colony, some employing Proctors to represent them, but the rest abstaining even from making a claim, and especially as the day of adjudication was very uncertain, but generally acknowledged to be distant.

By the Commissioners' Letter to his Lordship, it may, I conceive, be understood also that their Honours made a formal and positive declaration against the departure of these persons. I think this cannot be insisted on; the fact was, several Masters brought the circumstance of their intended departure before the Court, and that the Court instantly declared that it would not sanction any such measures, and that the party who left would do so at his peril. The Proctors of the captors of the detained vessels made no opposition to the departure of the Masters and others, because it was well known the cases were clear after the Standing Interrogatories were taken, which was done always without reference to the time it was likely the vessels would be adjudicated; therefore neither the Court or the Government could take any official notice of the circumstance.

It was highly expedient that this influx of foreign Europeans, exceeding our own European population in number, and many reported to be of known desperate character, should leave the Colony as soon as possible; and when it was known that 2 vessels were purchased by them for the sole purpose of enabling them to do so, it gave general satisfaction.

The only question then is, Could the Government prevent legally these men from purchasing the vessels they did? and was there any law in force to prevent their doing so? and, having purchased, could they be prevented from leaving this port with their passengers?

It must be recollected that the laws of England are those of this Colony almost exclusively, and that no local regulations of any kind are in existence on this subject. A Spanish subject, under the present reciprocal good understanding between the two nations, may therefore legally purchase any vessel in this port, and, having obtained the necessary Passports and Papers, and entered into the usual security not to take debtors from the Colony, may leave it under the Spanish flag.

The late departure of the "Experiment" and "Alfred" from this Colony, the Masters having conformed to the laws in force, was, in my opinion, legal, and could not have been prevented by the Local Government, in the absence of any official information that the Owners or Masters had committed any offence subjecting the vessels to the interference of our Courts of Law.

I have the honour to be, &c.
His Honour Thomas Cole. (Signed) W. H. SAVAGE, A.K.A.

No. 18.

His Majesty's Commissioners to Viscount Palmerston.—(Received July 5.)

MY LORD,

Sierra Leone, 23d March, 1837.

WE were honoured on the 15th instant with the receipt of your Lordship's Despatch of the 21st December last, forwarding for our information Copies of two Despatches from His Majesty's Consul at Havanna: the one reporting the departure thence of several vessels for the coast of Africa destined for the Slave Trade, and the other describing the mode in which it is probable the people of Cuba will now attempt to carry on the traffic.

In offering our thanks for this communication we beg to assure your Lordship, that we shall not fail to make use of Mr. Tolmés' information in every way that is practicable in furtherance of the service with which we are intrusted.

We have, &c.

(Signed)

WALTER W. LEWIS.
H. D. CAMPBELL.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 19.

His Majesty's Commissioners to Viscount Palmerston.—(Received July 5.)

MY LORD,

Sierra Leone, 23d March, 1837.

WE beg to acknowledge the receipt of your Lordship's Despatch of the 23d of last December, conveying your Lordship's approval of the course pursued by the Mixed British and Spanish Court in rejecting the claim for the restoration of the Spanish slave trading schooner, "*Mosca*," on the ground of the ignorance of the parties concerned in her as to the existence of the new Treaty with Spain, and on the plea that the seizors had not, at the time of detention, complied with all the forms prescribed by the Treaty. The knowledge of our having acted on the occasion in question in a manner, of which your Lordship approves, has given us much pleasure.

We have, &c.

(Signed)

WALTER W. LEWIS.
H. D. CAMPBELL.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 20.

His Majesty's Commissioners to Viscount Palmerston.—(Received July 5.)

MY LORD,

Sierra Leone, 23d March, 1837.

WE were lately placed in possession of your Lordship's Despatch of the 24th, December last, by which we had the satisfaction of learning that the course pursued by the British and Spanish Mixed Court in the contested cases of the Spanish vessels "*General Manso*," "*Victorina*," and "*Josefa*," of restoring those vessels to their claimants, was correct.

Every attention will be paid by us to the opinion of your Lordship, that rough scantling and plank, suitable for making a slave deck, when found in Spanish vessels, the fittings of which vessels are of so questionable character as to lead to the impression of their being intended for the Slave Trade, may be considered, on a fair interpretation of the object and spirit of the Treaty, as forming part of a slaving equipment, notwithstanding that the scantling and plank may have been cleared as part of the cargoes of such vessels, as was the case on board of the "*General Manso*."

On the first suitable occasion we shall not fail to apply your Lordship's instruction, that a vessel found with a cooking apparatus so constructed as to admit of its being considerably increased beyond its apparent size, by which arrangement the requisite accommodation for the use of the slave boiler is obtained, in the manner described in our Report of the condemned vessel "*Matilde*," may be looked upon as equipped for the Slave Trade, according to the true intent and meaning of the Eighth Section of the Tenth Article of the Treaty with Spain, although the slave boiler for such cooking apparatus may not be found in the vessel.

We have, &c.

(Signed)

WALTER W. LEWIS.
H. D. CAMPBELL.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 21.

His Majesty's Commissioners to Viscount Palmerston.—(Received June 15.)

MY LORD,

Sierra Leone, 11th April, 1837.

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 28th February last, covering a Copy of the explanation made by Mr. Dix, the first Prize Master of the Spanish slave schooner "*Matilde*," respecting certain deficiencies found to exist in the cargo of that vessel, after she had been condemned by the Mixed Court established here.

We have, &c.

(Signed)

WALTER W. LEWIS.

H. D. CAMPBELL.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 22.

His Majesty's Commissioners to Viscount Palmerston.—(Received June 15.)

MY LORD,

Sierra Leone, 25th April, 1837.

THE Spanish schooner "*Descubierta*," when in the act of entering the river Bonny on the 14th January last, where she evidently purposed purchasing and embarking a cargo of slaves, was seized by His Majesty's sloop "*Scout*" for being unlawfully equipped.

After an unusually long voyage the detained vessel reached this port on the 29th ultimo, and proceedings were instituted against her in the British and Spanish Mixed Court on the above-mentioned charge, which having been proved in the most distinct manner by the evidence produced, and no explanation having been given of the cause of being so equipped, a sentence of confiscation was in consequence decreed at the sitting of the Court on the 20th instant.

The cause of the delay which occurred in the adjudication of this case arose from the absence from the seat of Government, on the public service, of Lieutenant-Governor Campbell, the Arbitrator, *ad interim*, in the Mixed Court.

Our Report of this Case we have the honour to inclose herewith for your Lordship's information.

This vessel was owned by José Balager, a resident of the island of Porto Rico, who would appear to be some connexion of the chief owner of the Spanish brig "*Luisa*," his name having been stated to be Esteban Balager, and his place of residence the said island, to which also the "*Luisa*" belonged. She was condemned here on the 10th August last.

The "*Descubierta*" was built at Porto Rico, and formerly bore the name of "*Joven Soccoro*."

We have, &c.

(Signed)

WALTER W. LEWIS.

THOMAS COLE.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 22.

Report of the Case of the Spanish Schooner "Descubierta;" Pablo Pla, Master.

Sierra Leone, 25th April, 1837.

THIS vessel, as appeared by the 4 Official Papers found on board of her when detained, and which are hereunder enumerated, was belonging to, and fitted out at, the Spanish island of Porto Rico, where she was ostensibly destined for a lawful commercial voyage to the islands of Prince's and St. Thomas.

1. Royal Passport, No. 31, dated at Porto Rico, 18th October, 1836, for the unlimited navigation of the globe.

2. Matricula, with the destination for the vessel to Prince's and St. Thomas.

3. Port Pass.

4. Customs' clearance of the cargo.

From Porto Rico this vessel went to the Cape Verdes for provisions, as is alleged, and thence she proceeded direct for the River Bonny, one of the many very notorious Slave Marts on the Leeward coast, off the mouth of which river she was captured on the 14th January last by the boats of His Majesty's sloop "*Scout*," the commander of which cruiser sent her here for adjudication.

The detained vessel did not reach this port until the 29th ultimo, after a tedious voyage, in which calms were very prevalent. On the following day she was brought in the regular manner before the

Court, when the ship's Papers, Captor's Declaration, and Prize Officer's Affidavit of the circumstances of the seizure, were filed in the Registry, the Monition issued, and the witnesses in preparatory produced for examination.

The Declaration of the Captor was, in substance, that on 14th January, 1837, being in Latitude $4^{\circ} 18'$ North, and Longitude $7^{\circ} 7'$ East, he detained, by the boats of his Majesty's sloop "Scout," at the entrance of the Bonny, the Spanish schooner "*Descubierta*," said by her Master to be bound from Porto Rico to St. Thomas's, the said schooner having on board the following unlawful equipment:—Planks fitted, marked and numbered ready for laying down as a slave deck; a larger quantity of casks than necessary for the use of the crew, and the Master not producing the requisite certificate for carrying the same; and a spare boiler of an unusual size, which was hidden in the hold of the vessel under the firewood.

With the object of proving the correctness of the allegations against the detained vessel of her being unlawfully fitted, a Commission of Survey was allowed to go forth at the request of the Captor's Proctor, the Report under which came in on the 31st ultimo, and was the same day attested on oath. By this Report it was established that the main hatchway and after-scuttle were not larger than usually seen on board merchant-vessels of her class. A bulk-head divided the cabin from the main-hold. Plank sufficient to form a slave-deck fore and aft, all marked and numbered; cleats are nailed on each side of the hold for the slave-deck beams to rest upon. Six leaguers and 1 puncheon, in all capable of containing 1,620 gallons, an extraordinary number of water-casks for a merchant-vessel of her class. The 250 gallons of water found on board were not, in the opinion of the Surveyors, more than sufficient for the crew. Four mess-tins were not more than requisite for the crew's use. The cabouse was much larger than usually seen on board vessels of her class; a large iron boiler, complete, belonging to the same, was also found on board. One bag of beans and 2 half-bags of rice, in all about $3\frac{1}{2}$ bushels, a quantity not more than sufficient for the crew.

The Master and Cook of the detained vessel, the witnesses produced by the Captor, were on the 6th inst. examined on the Standing and Special Interrogatories by the Registrar.

Pablo Pla, the said Master, deposed that "he was born in Catalonia, and lives there with his wife, and has never served any state but Spain. He was appointed to the command, and possession was delivered to witness, at Porto Rico, in October last, by José Balager, a Spanish subject, residing in that island. First saw the said vessel there and then. Does not know where she was built. He was present at the time of the capture, but cannot say for what reason his vessel was seized: she had no colours but Spanish, except a signal-flag. He has never heard of any name but '*Descubierta*;' she was 25 tons burthen, and had 11 Officers and Marines, exclusive of witness: all Spaniards, except 2 or 3, who were Portuguese: all hired and shipped at Porto Rico, by José Balager (witness believes), in October last. Neither he nor any of the Officers or Marines, to his knowledge, had any interest in either vessel or cargo. Was Master on board. There was no passenger. The last clearing-port was Porto Rico; and the present voyage began and was to have ended there. From Porto Rico the vessel went to Cape Verdes to purchase fresh provisions; and, after remaining 3 days, proceeded towards the Bonny for the purpose of disposing of the cargo and buying ivory and wax, when she was captured. The capturing vessel was first seen the day after her boats had captured witness's vessel. Capture took place on the 14th January, at the entrance of the Bonny. There was no chase: it was a calm. The vessel's Papers were for St. Thomas. There were only about 8 muskets, and 3 or 4 cutlasses, and a few cartridges. There was no resistance made, nor instructions to avoid capture or to conceal or destroy any of the vessel's Papers. He believes José Balager is the Owner, as he appointed witness, and gave him possession: he is a Catalonian by birth. Does not know whether he is married, or where he lived before he resided at Porto Rico. He knows nothing about any Bill of Sale, nor whether there is such a Document. Has heard that the price was 2,000 dollars; but knows nothing further. Believes the vessel will belong to José Balager, if restored; for he knows of no other person. Knows of no private agreement. He believes José Balager is the Owner and Lader of the cargo, and considers himself the consignee. Balager is a merchant, and carries on his business at Porto Rico. The cargo was to have been disposed of wherever he could find a market: believes, if restored, it will belong to Balager only: believes so, because he knows of no other person. He knows nothing of the last voyage: the present cargo is tobacco and rum. Was taken direct to Sierra Leone, after capture. The Papers are all true and fair. No Papers have been destroyed, concealed, or made away with. There are no other Papers, that he knows of, besides those delivered up. There was no Charter-party. He does not know whether the vessel or cargo be insured: she was under witness's management, and corresponds with Balager. Bulk was not broken before nor since capture. The hatches are not fitted with open gratings of any kind. The coamings of the hatchways are not bored; and there are no iron bars for securing the said hatches. There is only the bulk-head which divides the cabin from the main hold. There are about 40 planks, marked and numbered: does not know for what purpose they were intended. There is no part of a slave-deck laid: there are no shackles, bolts, or handcuffs. There are six large and one small water-casks, capable of containing about 10 pipes, which he does not consider to be a greater quantity of water than was required by the crew: there is no tank or staves. There was about 6 pipes of fresh water on board at the time of capture. There are only 2 or 3 mess-tubs for the crew. There is a large iron boiler for boiling oil or wax. There is only about half a bag of rice for the use of the crew."

Francisco Gabriel, the Cook of the detained vessel, confirmed, by his deposition, the evidence of the Master in all material points. He added that he had known the said vessel in 1823; that she was built at Porto Rico; had long been owned by José Balager; and formerly had gone under the name of "*Joven Socorro*."

On the filing of these Examinations, publication passed in the case.

The Monition issued on the 30th ultimo was returned on the 6th instant, certified to have been duly executed; and, on the 20th, the Court assembled for the adjudication of the case. The proof adduced having established that the fittings of this vessel were in violation of the 3d, 6th, and 8th sections of the Equipment Article of the Treaty signed at Madrid, 28th June, 1835; and no attempt even at justification or reasonable explanation of the cause of her having been so fitted having been made, the "*Descubierta*" and her cargo were declared good prize to the Governments of Great Britain and Spain.

(Signed)

WALTER W. LEWIS.
THOMAS COLE.

No. 23.

His Majesty's Commissioners to Viscount Palmerston.—(Received June 15.)

MY LORD,

Sierra Leone, 25th April, 1837.

WE have the honour of reporting to your Lordship the capture, by His Majesty's brig "Bonetta," of the Spanish schooner "Cinco Amigos," found by that cruizer off New Sestos on the 30th ultimo, equipped in several respects for the Slave Trade.

This vessel arrived here late on the 8th instant, and two days afterwards proceedings were instituted against her on the above-mentioned charge of illegal equipment, of which the most conclusive proof was afforded by the evidence filed on the part of the Seizor, and no defence having been attempted by the Mate, who was found in charge of the detained vessel, the confiscation of the said schooner and the cargo found on board was pronounced at the trial of the case on the 20th instant. Our Report we beg leave to inclose herein for your Lordship's information.

The "Cinco Amigos," like the "Descubierta," also reported under this date, belonged to the Island of Porto Rico.

In the case of this vessel, as well as in the one just referred to, it will be seen, My Lord, that the Surveyors to the Court have stated that the hatches of both these schooners were only of the size usually met with in merchant vessels, by which novel arrangement the miseries of the negroes intended to have been embarked would have been materially increased, as they must thereby have lost much of the air and light which the large hatches used generally in slave-ships are calculated to afford.

The direction of your Lordship that a vessel provided with a cabouse capable of enlargement, for the reception and use of a slave boiler or copper, is to be considered as having infringed the eighth section of the equipment article of the New Treaty, notwithstanding the slave boiler for such cabouse may not be found in the vessel, appears to contain a construction of the law evidently requisite to prevent its being rendered a nullity; as, in this instance, both the witnesses swore that the master had landed the slave boiler with the cargo at New Sestos.

The "Cinco Amigos" went under the name of "Moncerratte" in December last, when she was sold by Pelegrin Tairrés to Pedro Ferrer, her late master.

We have, &c.

(Signed)

WALTER W. LEWIS.
THOMAS COLE.*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

Enclosure in No. 23.

Report of the Case of the Spanish Schooner "Cinco Amigos," Pedro Ferrer, Master.

THE "Cinco Amigos" was, as appeared from the several documents seized on board of her, belonging to the Spanish Island of Porto Rico, where slaving adventures have latterly been fitted out with increased activity. She was owned, as well as her cargo, by Pedro Ferrer, the late Master, who is described as a resident of Mayaguez, in the said Island; and was destined, by her papers, on a legitimate trading voyage to the Island of St. Thomas, on this coast, with leave to call at Danish St. Thomas, a permission of which the Master took advantage, and there added somewhat to his cargo.

The papers previously alluded to as having been found in this vessel were:—

1. Royal passport.
2. Muster-roll.
3. Agreement as to the wages of crew.
4. Port pass.
5. Bill of health.
6. Captain of the port's charges.

7. Bill of sale; all of which bear date in December, 1836, and January, 1837, at Porto Rico.
- 8, to 10. Three Customhouse documents, dated at Danish St. Thomas, the 16th January, 1837.

When this vessel left the West Indies the destination assigned in the official papers was no longer regarded, as, instead of proceeding to St. Thomas's Island on the Equator, she went at once to New Sestos, on the Windward Coast, and there the cargo and the Master were landed to trade, and the Mate dispatched in charge of the schooner to collect rice along the coast; a common practice with vessels employed in the slave traffic.

On the vessel's return from collecting the rice, she was fallen in with on the 30th March, 1837, by His Majesty's brig, "Bonetta," the Commander of which vessel seized and sent her here for adjudication, where she arrived late on the 8th instant.

The Marshal to the Court visited and made his usual Report upon the detained vessel immediately after she had anchored here; and, on the 10th instant, the schooner was brought into the British and Spanish Mixed Court, when the several papers seized, which had been duly authenticated, were filed,

with the declaration of the captor. At the same time the monition was petitioned for and issued, and the witnesses produced ordered for examination.

Lieutenant Deschamps, in his declaration of the circumstances attending the seizure of this vessel, states, that it was effected on the 30th March last, in latitude 5° 32' North, and longitude 9° 59' West, the "*Cinco Amigos*" having been there found under Spanish colours, in a voyage from the Kfoo Country to New Sestos, with an equipment contrary to the provisions of the Treaty, signed at Madrid, on the 28th June, 1835.

When the papers above referred to were received into court, a petition was presented with them for a Commission of Survey on the detained vessel, to issue as is usual in equipment cases, which was granted; the sworn report under which proved the "*Cinco Amigos*" to be illegally equipped in the manner hereunder described.

The coamings of the main-hatchway being bored to receive round iron hatch-bars; the bars for which, however, were not found in the vessel.

A large quantity of marked and numbered plank and beams, sufficient to form a slave-deck.

In addition to the casks or vessels holding the water for the use of the crew, there were found by the surveyors 16 other water casks, capable together of containing 3,520 gallons.

The cabouse was fitted to receive a large slave-boiler; the boiler was not, however, met with.

There were on board 50 bushels of rice, and 6 bags of beans, a quantity of such provisions more than was required for the use of the crew; and which formed no part of the cargo cleared at the Custom-houses of Porto Rico or Danish St. Thomas's.

The Master of the detained vessel having remained on shore, at New Sestos, the captors produced, as witnesses, Salvador Selles, the Mate, who was found in charge of her when seized, and a seaman, named Jacobo Dorcas, who were, on the 13th instant, examined by the registrar.

Selles deposed that "the Master's name is Pedro Ferrer, has known him only about 3 months, and does not know where he was born or lives, or if he be married. He does not know who appointed the said Master, or gave him possession, or where, or when, he took the same; the said Master was ashore at New Sestos when the vessel was seized. Witness first saw the said vessel in Porto Rico about 3 months ago; does not know where she was built. He was present at the time of capture; does not know for what reason the vessel was seized; she had no colours but Spanish. He has never heard of the vessel having been called by any other name than '*Cinco Amigos*;' she is 42 tons burthen, and had 18 Officers and Mariners, exclusive of the Master; all Spaniards, except 2 or 3 Mariners; all hired by the Master in January; part shipped at Porto Rico, and part at St. Thomas's (West Indies). He does not know whether any of the Officers or Mariners had any interest in the vessel or cargo; had none himself in either. Was Mate on board; there were no passengers. The voyage began and was to have ended at Porto Rico. The vessel went from thence to St. Thomas's, (which was the last clearing port,) where the cargo and part of the crew were shipped, and from thence proceeded to New Sestos, where the Master went ashore, and the cargo was landed; and witness was dispatched with the vessel along the Coast to purchase rice, and was captured on his return. The capturing vessel was first seen off the mouth of the Rio Sestos on the 30th last month (March), and seizure took place the same day. The vessel was steering into New Sestos when pursued; her course was not altered, nor was any additional sail hoisted. The vessel's Papers were for St. Thomas, (Coast of Africa;) does not know why the Master went to New Sestos. There is 1 gun, 4 or 5 muskets, and a little powder for the defence of the vessel; no resistance was made, and there were no instructions to avoid capture, or to conceal or destroy any of the vessel's papers. He does not know who is the owner of the vessel. He believes there is a Bill of Sale amongst the Papers delivered up, but knows nothing of the contents, having never read it. Knows nothing of the price of the vessel, and cannot say to whom she will belong if restored. He does not know who is the owner, lader, or consignee of the cargo; it was all landed at New Sestos; there is at present some rice on board bought by directions of the Master; cannot say for what purpose, or to whom the same will belong, if restored. He knows nothing of the last voyage; the cargo shipped at St. Thomas's was tobacco and cloth; was taken direct to Sierra Leone after capture. He believes the papers to be all true and fair. No Papers were destroyed, concealed or made away with. He knows of the existence of no Papers, besides those delivered up, relating to the vessel or cargo. There was no charter party to his knowledge. The hatches are not fitted with open gratings. The coamings of the hatchways are bored; cannot say for what purpose. There are no iron bars on board fit, or intended, for securing the said hatches. There are the bulk-heads of the cabin and fore-castle only. There are some spare planks marked and numbered; cannot say what quantity, or what they were intended for. There is no part of a slave deck laid. There are no shackles, bolts, or handcuffs. There are 16 water casks capable of containing 2 pipes each. There is no tank, nor any staves; 4 of these casks were filled with fresh water at the time of capture; does not know why there were so many water casks on board. There were only 4 or 5 mess-tins for the use of the crew. There is no boiler on board. There was one landed by the Master, at New Sestos, with the cargo. There were about 50 bushels of rice on board; does not know for what purpose."

The second witness, the seaman Dorcas, confirmed the testimony of the mate as above quoted.

Publication of the case passed on the 15th instant, and the Monition was returned on the 17th.

At a sitting of the Court on the 20th instant, a sentence of condemnation was passed upon the schooner "*Cinco Amigos*," and her cargo, on the clear evidence herein recited of her having been equipped in violation of the Treaty of June, 1835, between Great Britain and Spain, when detained by His Majesty's brig "*Bonietta*."

Sierra Leone, 25th April, 1837.

(Signed) WALTER W. LEWIS,
THOMAS COLE.

No. 24.

His Majesty's Commissioners to Viscount Palmerston.—(Received July 22.)

MY LORD,

Sierra Leone, 24th May, 1837.

The case of the Spanish schooner "*Dolores*" (the Report of which is herewith inclosed for your Lordship's information) is one of the ordinary descrip-

tion of Slave Trading adventures, happily frustrated before the guilty intentions of the parties engaged in it could be completed. The "*Dolores*" belonged to Havana, where her Owner, a Spanish merchant, named Francisco Antonio Ruiz, fitted her out in October of last year, ostensibly for lawful commerce on the coast of Africa. Such employment is mentioned in all the Ship's Papers. No sooner had the vessel crossed the Atlantic, than she repaired at once to the Old Calabar, a notorious slave trading mart, where she disposed of the outward cargo, and in return shipped 314 Africans on the 14th ultimo. Within 5 days, however, of this illegal embarkation of slaves, His Majesty's brigantine "*Dolphin*" captured the "*Dolores*," whilst steering for the Island of Cuba, the proposed market for the sale of the wretched cargo.

After the arrival of the Prize in this harbour, she was duly prosecuted by the Captors. On the completion of these proceedings, the Court, deeming the allegations advanced against the detained vessel fully established by evidence, condemned the "*Dolores*," and emancipated the 286 surviving slaves on the 23d instant.

We have, &c.

(Signed)

WALTER W. LEWIS.
H. D. CAMPBELL.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 24.

Report of the Case of the Spanish Schooner "Dolores," Francisco Canal, Master.

THE schooner "*Dolores*" was one of the numerous slave-trading vessels belonging to the Port of Havana, from which she sailed on the 4th October last, for the island of St. Thomas' on this coast, ostensibly for lawful commerce, as appeared by the undermentioned Papers, which were found on board at the time of her detention.

1. Royal Passport.
2. Muster-roll.
3. Fort-pass.

On the seizure of this vessel by His Majesty's brigantine "*Dolphin*" on the 19th April ultimo, when leaving the Calabar river, she was, without loss of time, dispatched to Sierra Leone, where she arrived, on the evening of the 14th instant, and was, on the following morning, visited by the Marshal and Surgeon to the Courts, who made their customary Reports.

From the Surgeon's statement we learned, that 21 of the 314 slaves captured, had died of dysentery on the passage hither, and that 34 of them were then labouring under the same complaint; in addition to which there were 11 cases of ophthalmia and other diseases, all of them requiring immediate hospital treatment; in consequence of which, and the exceedingly crowded state of the vessel, the Surgeon considered it essential that they should be at once landed. This recommendation we were enabled to carry into effect the same day; the vessel having been regularly brought before the Court, by the filing of the Ship's Papers, Captor's Declaration, and the Prize Officer's Affidavit respecting the seizure. At the same time the Monition issued, and the witnesses produced were ordered for examination.

The declaration of the Seizor ran as follows: "I, Thomas L. Roberts, Lieutenant commanding His Majesty's brigantine '*Dolphin*,' hereby declare that, on the 19th April, being in latitude 4° 8' North, and longitude 8° 0' East, I detained the schooner named the '*Dolores*,' sailing under; Spanish colours, commanded by Francisco Canal, who declared her to be bound from Old Calabar to Havana, and having on board 314 slaves, said to have been taken on board at Old Calabar, on the 14th April, 1837."

On the 17th instant the witnesses brought forward by the Captor were examined on the Standing Interrogatories.

The Master, Francisco Canal, deposed, that "he was born at Santander in Spain, has lived at Havana for the last 14 years, has never served any State but Spain. He was appointed to the command, and possession was given to him by Francisco Antonio Ruiz at Havana, in October last; the said Ruiz is a Spanish subject residing at Havana; first saw the vessel in October last; does not know where she was built. He was present when the vessel was captured for having slaves on board; had no colours but Spanish. The vessel has never been called anything but '*Dolores*' to his knowledge; she is 107 tons burthen, and had 20 Officers and mariners, exclusive of witness, all Spaniards, hired by the said Ruiz at Havana, in October last. Neither he nor any of the Officers or mariners had any interest in either the vessel or cargo; was Master on board; there was no passenger. The last clearing port was Havana, and the voyage commenced and was to have ended there; thence the vessel proceeded direct to the Calabar, where slaves were purchased and shipped. The capturing vessel was first seen off the bar of the Calabar on the 19th April, and capture took place 4 or 5 hours afterwards. The vessel was steering for Havana, when she fell in with the capturing vessel. The vessel's Papers were for Prince's Island, but she did not touch there. There was no gun mounted, and only 9 muskets and 7 cutlasses; no resistance was made; there were no instructions to escape capture, or to conceal or destroy any of the vessel's Papers. The owner of the vessel is Don Francisco Antonio Ruiz; knows it from his having engaged witness; and hired the people; does not know whether he be married, or where he lived before he resided at Havana. He never saw any Bill of Sale, and cannot tell whether there be such a document; knows nothing about the price of the vessel, but believes if restored she will belong to the said Ruiz; knows of no private agreement. Ruiz is the owner of the slaves, and witness was himself the lader of them, there is no consignee. Ruiz is a merchant of Havana; the slaves were to have been landed on the coast of Havana, and if restored, will belong to Ruiz; knows of no other person. He knows nothing of the last voyage. The cargo shipped at Havana was dry goods, powder, and rum; 315 slaves were shipped altogether, all from the shore,

does not know their particular descriptions, none died before capture, but some have died since, does not know how many; was taken to Sierra Leone after capture. The Papers delivered up were all true and fair. No Papers were destroyed, concealed, or made away with. He knows of no other Papers, relating to either vessel or cargo, besides those delivered up. There was no Charter-party, to his knowledge. He does not know whether the vessel or cargo be insured. The vessel was under witness's management, in regard to her trade. Bulk was broken in Old Calabar; no slaves have been disembarked since capture."

Antonio Hoyo, the Cook of the detained vessel, on his examination, gave evidence confirming that of the Master in every respect.

The Prize Officer's Affidavit respecting the mortality amongst the slaves, whilst they were under his charge, proved that 21 of them had died.

With the filing of this Paper the Seizor's case closed, and his Proctor obtained publication thereof, on the 19th current.

The Monition, issued on the 15th, was returned into Court duly certified on the 22d instant; and on the following day the trial of this vessel took place, when the condemnation of the schooner, "*Dolores*," was decreed, as well as the emancipation of the surviving slaves, amounting to 286 persons.

(Signed)

WALTER W. LEWIS.
H. D. CAMPBELL.

Sierra Leone 24th May, 1837.

No. 25.

His Majesty's Commissioners to Viscount Palmerston.—(*Received August 23.*)

MY LORD,

Sierra Leone, 10th June, 1837.

A FEW days since, we were honoured by the receipt of your Lordship's Despatch, of the 30th March last, approving of the British and Spanish Mixed Court having refused, in the Case of the Spanish schooner "*Luisita*," to consider open gratings boarded over as closed hatches, within the meaning of the Treaty of the 28th June, 1835; and forwarding to us a Copy of the Despatch, which your Lordship had addressed to His Majesty's Minister at Madrid, instructing him to press upon the Spanish Government the expediency of adopting some form of Bond and Certificate, for Spanish vessels clearing out for the Coast of Africa with casks on board, of a like nature to those in use by the British Custom-house, for British vessels engaged in the commerce of this Coast.

We have, &c.

(Signed)

H. D. CAMPBELL.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 26.

His Majesty's Commissioners to Viscount Palmerston.—(*Received August, 23.*)

MY LORD,

Sierra Leone, 10th June 1837.

WE beg leave to acknowledge the receipt of your Lordship's Despatch, of the 31st March last, conveying the approbation of His Majesty's Government of the amended plan adopted for the cutting up of vessels, condemned under the Treaty between Great Britain and Spain; and to assure your Lordship, that we have had much pleasure in learning, that the measure in question has been considered satisfactory.

We have, &c.

(Signed)

H. D. CAMPBELL.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 27.

His Majesty's Commissioners to Viscount Palmerston.—(*Received August 23.*)

MY LORD,

Sierra Leone, 10th June, 1837.

WE have the honour of acknowledging the receipt of your Lordship's Despatch, of the 8th April last, upon the subject of the deficiencies discovered in the cargo of the Spanish schooner "*Josefa*," on her restoration to the Claimant, and which had taken place during the charge of Mr. Reid, Prize Master of that vessel; and acquainting us, that there was nothing unjust or inequitable in the position in which the Claimant's application for remuneration for the losses in question had been left by the decision given therein by the Mixed Court.

The information which your Lordship has been pleased to communicate to us, of a Seizor being civilly answerable for the conduct of his Prize Officer or Agent, we shall bear in mind, on any future application of a like nature to the one above alluded to.

We have, &c.

(Signed)

H. D. CAMPBELL.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 28.

His Majesty's Commissioners to Viscount Palmerston.—(Rec. September 12.)

MY LORD

Sierra Leone, 30th June, 1837.

IN pursuance of the the 75th Clause of an Act passed in the 5th year of His late Majesty's Reign, entitled, "An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade," we have the honour to transmit, enclosed, a Return of all Cases of Spanish vessels, adjudicated in the British and Spanish Mixed Court of Justice, established here from the 1st January, to the 30th June, 1837.

We have, &c.

(Signed)

WALTER W. LEWIS.
R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 28.

Return of Spanish Vessels adjudicated by the British and Spanish Mixed Court of Justice, established at Sierra Leone, between the 1st day of January and the 1st day of July 1837.

NAME OF VESSEL.	NAME OF MASTER.	DATE OF SEIZURE.	WHERE CAPTURED.		PROPERTY SEIZED.	SEIZOR.	DATE or SENTENCE.	Number of Slaves Captured.	Number died before Adju- dication.	Total number Emancip- ated.	Decretal part of Sentence, whether Forfeiture or Restitution.	Whether Property con- demned has been sold or converted; and whether any part remains unsold, and in whose hands the Proceeds remain.
			Latitude.	Longitude.								
San Nicolas	Angel Calsamilla	1836 2 December	River Sea-bar.		Brig and cargo	F. H. H. Glasse, Esq., H. B. M. brig, "Rol- la."	1837 2 January	..	..	..	Condemned for being engaged in the illicit traf- fic in slaves.	Vessel, Cargo, and Stores sold at Public Auction, and the pro- ceeds paid into the Military Chest.
Lechuguino.	José Maury.	27 December	River Ponga.		Schooner and 49 slaves.	Ditto Ditto	10 January	49	..	49	Ditto Ditto	Ditto Ditto
Experimento	Joaq ⁿ . de Andrinica	Ditto	Off the village of Saraby in the Rio Pongas.		Schooner and cargo	Ditto Ditto	12 January	..	..	..	Ditto Ditto	Ditto Ditto
Gata.	José V. Larrazabal	5 December	4° 13' N. 7° 8' E.		Pilot boat and 111 slaves.	R. Craigie, Esq. H. B. M. sloop, "Scout."	Ditto	111	10	101*	Ditto Ditto	Vessel, Cargo, and Stores sold at Public Auction, and the excess of expenses over the proceeds of such sale paid out of the Military Chest.
Descubierta	Pablo Pla.	1837 14 January	4° 13' N. 7° 7' E.		Schooner and cargo.	Ditto Ditto	20 April	..	..	..	Ditto Ditto	Vessel, Cargo, and Stores sold at Public Auction, and the proceeds paid into the Military Chest.
Cinco Amigos	Pedro Ferrer	30 March	5° 32' 27" N. 9° 59' 46" W.		Ditto	H. P. Deschamps, Esq., H. B. M. brig "Bo- netta."	Ditto	..	..	..	Ditto Ditto	Ditto Ditto
Dolores	Francisco Canal	19 April	4° 8' N. 8° 0' E.		Schooner and 313 slaves.	Thomas Lorey Roberts, Esq., H. B. M. brig "Dolphin."	23 May	313	27	286†	Ditto Ditto	Ditto Ditto

* Two boys died before their description could be taken to be registered.
† Two boys and two girls died prior to their description being taken to be registered.

(Signed) R. DOHERTY.
WALTER W. LEWIS.

Sierra Leone, 1st July, 1837.
(Signed) M. L. MELVILLE,
Registrar.

CLASS A.

No. 29.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Nov. 6.)

MY LORD,

Sierra Leone, 12th August, 1837.

WE beg leave to acknowledge the receipt of your Lordship's Despatch of the 30th May last, in which your Lordship is pleased to convey your concurrence in the opinion entertained by the British and Spanish Mixed Court, that a vessel, having one large hatch fitted with gratings, instead of hatches, as required by the letter of the late Treaty with Spain, comes within the operation of the Equipment Article of that Treaty; and that, therefore, the condemnation of the Spanish Brig "*San Nicolas*," equipped in the manner alluded to, was a correct decision of the Court.

Your Lordship's approval of the course adopted on the occasion in question, has proved very gratifying to us.

We have, &c.

(Signed)

WALTER W. LEWIS.
A. DOHERTY.*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

No. 30.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Nov. 6.)

MY LORD,

Sierra Leone, 12th August, 1837.

WE have had the honour of receiving your Lordship's Despatch of the 19th June last, having reference to your Lordship's former letter of the 3rd September, respecting the departure hence in April, 1836, of the two vessels, in which the officers and crews of Spanish slaves, then awaiting adjudication here, had left this, in consequence of the trial of their vessels having been unavoidably postponed for an indefinite period; and acquainting us that Her Majesty's Advocate General is of opinion, that the Lieutenant-Governor could not have legally prevented those persons quitting the Colony, as they had been examined on the standing interrogatories.

The Commissioners, in reporting to your Lordship the occurrences in question, had in view only to bring them under your Lordship's notice, as circumstances connected with their branch of the public service, and not as matters of which they had to complain.

The Commissioners having been at the time of the departure of these people from the colony, without any instructions from your Lordship, as to the carrying into effect the new Treaty with Spain, under which their vessels had been prosecuted, and not having before them the Act of Parliament on this subject, they were of opinion, they could not, without incurring unnecessary responsibility, have taken upon themselves to decide, whether these people might not have been eventually required to undergo further examination; and, therefore, when asked to sanction their departure hence, we stated to their Proctors what we have now represented to your Lordship, and declined giving the assent solicited.

We have, &c.

(Signed)

A. DOHERTY.
WALTER W. LEWIS.*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

No. 31.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Nov. 30.)

MY LORD,

Sierra Leone, 9th September, 1837.

HEREIN we have the honour of transmitting to your Lordship our Report of the case of the Spanish Brig "*General Ricafort*," seized on the 26th June last, a few miles from British Accra, by His Majesty's Brig, "*Charybdis*," Lieutenant Mercer, Commanding, on a charge of illegal equipment.

The detained vessel reached this harbour on the 15th July, and on the following 19th was brought before the British and Spanish Mixed Court for trial. Various

occurrences tended to delay the adjudication of this vessel beyond the period named in the Treaty for this purpose, and which were not controllable by the Court. The chief causes of delay were the serious illness of the Master on his arrival here, and ultimately a lengthened sitting of one of the Local Civil Courts, in which most of the officers, as well as the practitioners of the Mixed Court, were in some way engaged. Adjudication, however, took place on the 25th ult., when the detained brig was declared a good and lawful prize to the Governments of Great Britain and Spain, having been seized unlawfully equipped.

This vessel was ostensibly on a voyage from Havana *via* Bahia to Lagos to deliver merchandise, and return thence to Havana in ballast, and affords an instance of an apparently new system which has just commenced operation at Cuba among the Slave-Traders there, in the hope of evading the terms of the Treaty with Spain of June, 1835. The "*General Ricafort*" is a large, roomy, merchant vessel, formerly employed between Cuba and Bremen, in a legitimate trade, and not at all partaking externally of the appearance of a slave vessel; and when boarded by the capturing officer, the only part of her equipment then observable which afforded ground of seizure, was a portion of a slave deck laid in the front of the steerage of the vessel. For this small loose deck, and having on board some spare planks adapted for a continuation of the said deck, the "*General Ricafort*" was seized and brought to adjudication.

The captor found on board of the brig when he detained her two large Guinea canoes, and nineteen hired Guinea men to navigate them, which he states, in his declaration, were engaged apparently for shipping slaves; an opinion, we think, well founded, as the providing such canoes is said to be a regular practice with vessels bound to Lagos or Whydah for slaves.

Subsequently to her seizure, as will appear in the Report of the case, a bag of forelocks for slave shackle-bolts was found, which materially strengthened the charge against this vessel; and the two large medicine chests, in addition to that for the brig's crew, such as are only used on board of slave vessels, and fitted up for the treatment of diseases frequent among negroes on shipboard, which were also discovered in the hold of the vessel, though not prohibited articles by the Treaty, served to point out the real employment for which this vessel was intended, and thus to assist in the decision of the charge preferred against her.

When the detained brig was examined by the Surveyors to the Court, after much of the cargo had been shifted, there was then sufficient unmarked and unfitted plank discovered for continuing the small deck which had been found laid at the time of seizure, half the length of the hold; and it was observed that there were battons on the foremost bulkhead, on a level with the beams, adapted for receiving the ends of a plank which might be used in laying a deck fore and aft in the hold. The number of lower deck beams were not however more than would be met with in a vessel used in lawful commerce; but this deficiency was provided for in a double set of "air holes," cut in the ceiling of the brig, ostensibly for ventilation, the lower range of which were on the level of the fixed beams, and evidently intended for the lodgement of temporary beams, by which sufficient support would have been obtained for a slave deck.

The nature of the voyage in which the vessel had been seized, as deposed to by the Master, in his affidavit with the claim, was plainly at variance with the Owner's statement upon this subject, in his letter of instructions to the Master; and the said claim did not set forth distinctly or clearly who were the owners of the cargo with which the brig was laden, and was in contradiction of the official clearance from Havana; all which circumstances are enlarged upon in the Report of the case.

The main feature of the claimant's defence referred to the principal charge against the vessel, the loose deck and spare plank with which his vessel had been seized, and consisted in the assertion of the loose deck being intended to stow provisions upon; and the loose planks having been shipped as dunnage for the roll tobacco, which article requires to be so carefully stowed as to need dunnage of this description. As to the non-existence of a necessity for so expensive an article as plank being used for the purpose in question, we had the most direct evidence from the Surveyors of the Court, (one of whom has been a Master-Mariner for a number of years); who all agreed that the fire-wood on board would have equally well answered for this service. And if there even had been the necessity alleged by the Master for the use of plank as dunnage, he appeared to have overlooked it when loading his vessel, as when the brig was seized there was not any plank used in this manner, as the Prize Officer's affidavit proved.

These circumstances, in connexion with others, bearing materially on the case which have been referred to at length in our Report, led us to the conclusion that this vessel had been unlawfully equipped, in wilful violation of the 10th Article of the Treaty of June, 1835, and induced us to give the sentence of condemnation which we have previously mentioned.

Enclosed is a Copy of a Report from the Acting Marshal to the Courts, as to his having found, secreted under the cargo of the "*General Ricafort*," three pairs of slave-irons complete, and seven more planks for use in the formation of a slave deck for this vessel; circumstances tending to confirm our opinion of the real employment for which she was destined.

All the leading persons in this transaction have been previously connected with Slave trading adventurers, excepting the Owner of this vessel, Cosme Joca, a resident merchant of Havana.

The Freighter of the brig, J. Y. de Yrigoyen, was the Seller of the Spanish brigantine "*Diligencia*," condemned here in 1836; and the Owner of the condemned Spanish schooner "*Iberia*," condemned 11th March, 1835. The Consignee at Bahia, M. C. dos Santos, has been particularly alluded to in the case of the Portuguese brigantine "*Felix*," condemned in last December. And the Consignee at Lagos, E. J. de Silva Porto, is mentioned in the case of the Portuguese schooner "*Josephina*," condemned in March last, as the Owner of the slaves seized in that vessel.

In none of the cases of vessels brought before us, which have cleared from Bahia, have we found a manifest of the cargo embarked at that port, a circumstance which has at times been productive of some difficulty, and prevented our arriving at a correct knowledge of transactions which we were anxious to investigate. It has been denied, when inquired into, that any such document as a manifest, or descriptive clearance of a cargo, had been issued at Bahia, upon which assertion we cannot form a good opinion, being unacquainted with the customs of Portuguese or Brazilian Ports; the absence of a document answering the purpose in question seems very irregular, and leads occasionally to difficulties in arriving at just conclusions, as we have before stated, and of which the present case affords an instance. The only documents describing the cargo embarked at Bahia in the "*General Ricafort*," are triplicates of the bills of lading, said to have been given there by her Master to the owner of the property mentioned in those documents.

We have, &c.

(Signed)

WALTER W. LEWIS.
A. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 31.

Report of the case of the Spanish Brig "General Ricafort," Carlos Martinez, Master.

THIS brig was the property of a Spanish merchant, named Cosmé de Toca, of Havana, at which place she was chartered and fitted out in February last, by one Juan Yrisco de Yrigoyen, for a voyage to Lagos via Bahia. Part of the cargo of this vessel, which consisted of a general assortment of merchandise, adapted for the trade of Lagos, was shipped at Havana, and the remainder at Bahia. The consignee at Bahia, of the parties interested in this voyage, was Manoel Cardoso dos Santos. At Lagos the consignee was Enstaquio Joaquim da Silva Porto.

At the commencement of the voyage the Spanish authorities of Havana, furnished the "*General Ricafort*," with the following papers.

1. Royal Passport, No. 149, of the 5th of April, 1835, for a voyage to Bremen, under Carlos Martinez, her late Master. An official endorsement of the 21st of June 1836, showed her to be destined for another voyage to that port; and a further one of date the 27th of February, 1837, cleared her for Lagos via Bahia; adding the usual injunction not to engage in the Slave Trade.
2. Muster-roll of sixteen persons, the number who composed the crew on leaving Havana.
3. Port pass, endorsed like the Passport as regards the different voyages.
4. Custom-house clearance of the cargo for Bahia only. There were also on board the "*General Ricafort*" an officially
5. Certified copy of the Bill of Sale of this vessel, bearing date the 24th May, 1832, in which José Francisco Serrans, of Havana, appeared as seller, and Cosmé Toca as the purchaser of the said vessel; which document was delivered up by the Master at an advanced stage of the proceedings in the case. At Bahia, in May last, where a considerable addition to the cargo was made, consisting of rum and tobacco, some further official documents were obtained. They were
6. A bundle of five receipts and certificates from the Custom-house respecting both vessel and cargo, and which were in the usual form.
7. Muster-roll from the Spanish Vice Consul, showing that the crew had been increased at Bahia, from sixteen to twenty without any apparent cause.

The private documents found on board, having reference to the proceedings of this vessel at Havana and Bahia, were

8. A Bill of Lading granted to Juan Yrinco de Yrigoyen for the cargo shipped by him at Havana, and which he consigned to Don Manoel Cardozo dos Santos, of Bahia, or Eustaquio Joaquim da Silva Porto, of Lagos.

9. A Letter of Instructions to the Master, from the owner of the brig, dated 27th February, 1837, acquainting him the vessel had been freighted to the said Yrigoyen, at the rate of eight hundred dollars per month, for a year or more, if necessary; enclosing him an introduction to the aforesaid Manoel Cardozo dos Santos, of Bahia; to which port he desires him to proceed, and adding, that the vessel had been insured for eight thousand dollars. The particulars of the insurance were not given.

10. A Letter of Instructions to the said Master from the consignee at Bahia, dated 18th May, 1837, desiring him to proceed to the coast of Guinea, and purchase two canoes for the use of the vessel, hiring Guineamen to navigate them, and then go direct to Lagos, and place himself in communication with Da Silva Porto, who would acquaint him if the return voyage was to be to Havana or Brazil.

11. Two Bills of Lading dated Bahia, one for the cargo shipped by the consignee of Yrigoyen, for one Da Silva Porto; and the other for a small shipment of three hundred rolls of Tobacco, made by the nephew of the said consignee, to the joint care of the said Da Silva Porto, and the Master of the Brig.

On the shipment of the Guineamen to navigate the two canoes, purchased agreeably to the Bahia consignee's instructions above alluded to, the authorities of St. George d'Elmina on this coast, on the 27th June last, gave an official list or muster-roll, showing that nineteen men had been embarked for this purpose.

There was a Log-book of the voyage throughout, which had been apparently kept by the Master. In this the vessel's stay at Bahia was stated to have been twenty-three days, during which the additions to the cargo were made; and at St. George d'Elmina the vessel was detained six days on account of the purchase of the said two canoes, and the hire of their crews.

The alleged ground of purchasing the two canoes herein alluded to, was for discharging the outward cargo at Lagos, and embarking the ballast with which it was stated she was to return to Cuba. Soon after this exceedingly questionable transaction, Her Majesty's brig "Charybdis" fell in with the "General Ricafort," on the 26th June last, and her commander after a minute inspection of the vessel's equipment, deemed it his duty to detain her for an infraction of the tenth article of the Spanish Treaty, as well as for what Lieutenant Mercer considered a serious informality in her ship's papers.

The detained vessel reached this port under the charge of a prize officer, on the 15th of July last; and her cargo and hold were immediately afterwards very carefully examined, in order, if possible, to discover additional causes for which to prosecute her, to those contained in the Declaration of the captor. This led to the Proctor for the seizers not presenting the brig's papers to the Court until late on the 19th July; and they were therefore not filed in the Registry of the Court until the subsequent day, when the prize officer's affidavit authenticating them was received together with the Declaration of the captor. The motion in the case issued at the same time, and the examination of the witnesses produced by the captor was directed to be proceeded with.

The allegations contained in Lieutenant Mercer's Declaration are as follows:—"That he, Lieutenant Samuel Mercer, Commander of Her Majesty's brig 'Charybdis,' on the 26th day of June, 1837, being in or about latitude 5° 19' N., longitude 0° 5' W., British Ocean, bearing N. W. by N. by compass, about eight or nine miles, he detained the brig named the 'General Ricafort,' sailing under Spanish colours (of two hundred and thirty-eight tons), armed with two guns, six-pounders, and commanded by Carlos Martinez, who declared her to be bound from Havana via Bahia to Lagos, with a crew consisting of twenty men and boys, and nineteen canoe-men, taken on board at Elmina, whose names, as declared by them respectively, are inserted in a list at the foot hereof; and having on board spare planks fitted as an after slave-deck, and laid, which planks are marked and numbered, and fitted as the generality of slave-decks, and having on board besides a quantity of spare plank, and that the foremost beam of the slave-deck is fitted for an additional bulkhead; and also for informality in the papers; No. 5 stating that she is two hundred and thirty-eight tons; No. 2, of one hundred and twenty tons; and No. 1, of ninety-one and a half tons."

He further declared, "That this vessel had two large canoes, said to have been obtained at Elmina, apparently for the purpose of embarking her slaves."

To establish by proof the contents of the above-mentioned Declaration, the seizer's Proctor prayed that a Commission of Survey and Inspection might be issued. The petition contained a further request, that a vessel might be provided to remove a part of the cargo into, in order to facilitate the means of the Surveyors in prosecuting their inspection. The Commission was desired to go forth on the 20th of July; but the Court declined allowing a vessel to be hired as had been proposed, not having any evidence of the necessity for incurring such a heavy expense. Indeed, the said petition contained the only intimation the Court had at that time received of their being any cargo at all on board of the detained vessel on her arrival here. The result of the Surveyor's investigation is embodied in the following Report, which was duly attested before the Registrar on the 22nd of July:—

"We found the hatchways not larger than usual in merchant vessels of her size, close hatches, and coamings not bored for bars. We found divisions and bulkheads as usual in vessels engaged in lawful traffic. We found a loose deck laid in front of the steerage, the planks of which are numbered, and fitted on to the beam in such a manner as to leave sufficient space on the other side of the beam to receive planks for a continuation of the deck forward. We observed several places cut in the ceiling on a level with the said loose deck, apparently to receive ends of beams. We also found an unusually large quantity of rough unnumbered spare plank of a sufficient thickness for forming such continuation of the half-deck; but from the cargo stowed in the hold we were unable to ascertain whether such spare planks would be sufficient, or whether they are fitted for that purpose. We found seventy-two iron forelocks or pins, apparently for fastening slave shackles; but no shackles, bolts, or handcuffs. We found no larger quantity of fresh water than would be requisite for the crew of a merchant vessel of her size. We found a large number of casks containing spirits, about eighty pipes. We found no more mess kits or pans than necessary for the use of her crew, as a merchant vessel. We found the boilers not larger than requisite for the use of the crew. We found not more rice than sufficient for

the crew of the vessel, and no flour of Brazil or farinha. We found two large medicine chests, containing a much larger quantity of medicine than requisite for the crew of a merchant vessel; also a large quantity of charcoal besides firewood. On deck there are two guns, and beds for ten water casks."

There was a further survey of the vessel held after the case had been finally closed on both sides, the particulars of which will appear in this Report in the order of its date, where they will be more intelligible than in connexion with the foregoing survey, as many parts of it were called for to clear up points that arose during the proceedings had in this case, and of which we shall now give an account.

The examinations in chief of the witnesses, produced by the captors, were delayed until the 24th ultimo,—a period of four days, owing to the severe illness of the Master, Carlos Martinez. On the above day, however, he was sufficiently recovered to give evidence; and the Registrar proceeded at once to examine him and the Boatswain of the detained Brig, on the standing interrogatories, and the Steward, on the fixed special interrogatories only; the merits of the case resting upon the question of equipment.

Carlos Martinez deposed, that "he was born in Florida, North America; has lived at Havana for the last seven years; is a subject of the Queen of Spain; was formerly a subject (citizen) of the United States; witness's wife resides in Havana. Was appointed to the command, and possession was given to him at Havana, in February last, by Cosmé de Toca, a Spanish subject, and a resident of the Island; first saw the said vessel about four years since; she is North American built. Was present when the vessel was captured; does not know for what reason she was seized. Sailed under Spanish colours; had also a Dutch flag for a private signal. The vessel is called the '*General Ricafort*;' she was formerly (when under the American flag) called the '*Sion*;' she is one hundred and twenty tons burden, and had nineteen officers and marines, exclusive of witness, part Spaniards and part Portuguese; there were also two Bremen men, two Frenchmen, and one Italian, all shipped and hired by witness at Havana, in February last, except four, who were shipped by witness at Batia, in May last. Neither he nor any of the officers and mariners had any interest in the vessel, nor in the cargo, with the exception of two hundred rolls of tobacco, which are the property of witness; was master on board; there was one passenger, a black man, whose name is in the passport delivered up; he was embarked at Bahia, for a passage to Lagos; does not know what his business might be: the said passenger had no authority or interest in respect to the vessel or cargo. The voyage commenced, and was to have ended at Havana; Bahia was the last clearing port: from Havana the vessel went to Bahia, where a cargo of tobacco and aquadiente was shipped, and from thence she proceeded to the coast of Africa, and touched at St. George's, Elmina, for the purpose of purchasing two canoes, and of hiring crews for them, which he succeeded in procuring from the natives; remained there four days, and was on his way from that place to Lagos when he was captured. The capturing vessel was first seen about twelve miles from Accra, on the 26th June, and capture took place there and then; there was no chase; witness was steering for Lagos at the time when he fell in with the capturing vessel; the vessel's course was not altered, nor any additional sail hoisted on the appearance of the man-of-war; the vessel's course was at all times, when the weather would permit, directed to the place for which she was destined by her papers. There are two guns mounted, and there were twelve muskets and as many cutlasses, and a small quantity of ammunition for the defence of the vessel against pirates. There was no resistance made; there were no instructions to resist or avoid, or escape capture, or for destroying, concealing, or refusing to deliver up any of the vessel's papers. Cosmé de Toca was the sole owner of the vessel, a Spaniard by birth, and a resident of Old Spain, before he lived at Havana. There was a bill of sale, which is at present on board, and witness is willing to deliver it up; does not recollect the particulars; believes the price to have been paid; believes the sale to have been a true one, and that the vessel, if restored, will belong to the said Toca, and to him only: knows of no private agreement. As he has already stated, he is himself part owner of the cargo, and Tozé Joaquim de Almeida, nephew and clerk of Manoel Cardozo dos Santos, of Bahia, owns three hundred rolls of tobacco, the remainder of the cargo belongs to José Yrigoien, a Spaniard by birth, and a resident merchant of Havana: the lader of the cargo shipped at Bahia, and the consignee at that place, was Don Manoel Cardoso dos Santos, a Portuguese by birth, and a resident merchant of that city; the consignee at Lagos is Eustaquio da Silva Porto, but witness knows nothing further about him; part of the cargo was laded at Havana by Yrigoien himself; the whole of the cargo was to be landed at Lagos for the account and risk of Yrigoien, Almeida, and witness, the owners above stated, and if restored will belong to those parties, and to them only. The lading of the vessel on her last voyage was sugar from Havana to Bremen, whence she took a cargo of linen back to Havana; the cargo on the present occasion shipped at Havana is bale goods and muskets; and shipped at Bahia tobacco and rum. After capture the vessel was taken to Accra, and thence to Sierra Leone. The passport and other papers found on board the vessel are all true and fair. No papers whatever were destroyed or concealed, or made away with. There are no other papers in any country to his knowledge relating to vessel and cargo besides those delivered up, and the bill of sale of which he has spoken. There was no charter-party to his knowledge. The vessel and that part of the cargo belonging to Yrigoien are, witness believes, insured, the former in Havana, and the latter in the United States; does not know anything of the insuring parties; witness's own venture is not insured; cannot say whether Almeida's is or not; the vessel was under the direction of Cardozo dos Santos in regard to her trade; witness corresponds with him, Yrigoien, and Toca in regard to the concerns of the vessel and cargo. Bulk was not broken before or since capture. The following articles were found missing after the man-of-war had parted company:—one Spanish flag, one burdjee, with ship's name, one red flag, also two pieces of duck, about twenty-five skains of sail-twine, sixty fathoms of four-inch rope, three swords, one cabin chair, four or five tin plates for the use of the crew, and two canoes; witness cannot swear that the first-mentioned articles were taken by the man-of-war's people: the two canoes were sent ashore by the capturing officer with part of the Spanish crew. Since capture eight dollars have been taken from his trowser's pocket, which hung upon the cot in his cabin: does not know by whom they were taken."

The Master's replies to the Special Interrogatories, respecting the equipment of the detained vessel, were as follows: "The hatches are close, and of wood. The coamings of the hatchways are not bored, and there are no iron bolts or bars. There are four bulkheads below, those of the cabin, fore-castle, steerage, and sail-room. There are six planks of two, and two of three quarter of an inch,

four boards of three quarters of an inch and of one inch, besides a number of short pieces of different sizes, which were for stowing the cargo, and for the carpenter's use; none of those planks or boards are numbered and fitted to any part of the vessel. There is about six feet of a half deck laid before the steerage, to stow the provisions upon. There are no shackles, bolts, or handcuffs. There are twenty water casks, capable of containing about two thousand gallons; there is no tank, nor any staves, except those of about twenty bread barrels; does not know what quantity of fresh water was on board at the time of capture. There are three or four mess tins for the use of the crew. There was no copper or iron boiler on board. There was a little rice and flour for the crew."

Two other witnesses were examined; the boatswain, Sampayo, and the steward, Isidore Marcel. The first gave his deposition on both Standing and Special Interrogatories; but the second, as previously mentioned, deposed only as to the Special Interrogatories, which bore on the question of the equipment of the "*General Ricafort*."

The general character of Sampayo's testimony, although far from being explicit, is decidedly corroborative of Martinez's statements. But three points worthy of observation are apparent; he says that six seamen were engaged at Bahia, two more than the Master admitted; he confirms the loss of the missing articles, and states further, that he saw the missing twine conveyed on board the man-of-war; and in his reply to the Special Interrogatory, gives an additional explanation for the extra planks being on board, by alleging, that they were for "making boxes for ballast," as well as for dunnage. The rest of Sampayo's evidence does not display the same explanatory tendency. He is ignorant of the person who gave the Master possession of the vessel, of the owner of any bill of sale, or of the price of the vessel. He knows nothing concerning the lader, consignee, or owner of the cargo, with the exception of a small quantity of tobacco belonging to himself, "and some that belongs to the Master;" and he manifests equal ignorance of the destination of the cargo, charter-party, and insurance.

The Steward, Isidore Marcel, gave a very similar account of the fittings of the detained vessel to that of the Master. Like Martinez, he merely admits, that the extra boards were on board for stowing the cargo; but mentions only two bulkheads.

The Captor's case was presented to the Court, on the 25th July, in the above form for publication, which was granted.

On the 26th July, the Master, Carlos Martinez, appeared as a claimant for the vessel and cargo, and his Proctor accordingly brought a claim, with an affidavit in its support, under the notice of the Court, setting forth his client's interests, and title to claim the detained vessel. This proceeding, however, could not be completed, until the usual period of two days had elapsed, in order that the adverse party might have time and opportunity to bring forward any objection against its reception. In the interim alluded to, the Proctor for the seizors presented a petition, that the said claim should be rejected. The prayer of this document was founded upon an informality on the part of the Claimant's Proctor, in neglecting to give in due time a written notice to the other party of his having laid before the Court a claim. Petitions, with affidavits, were received for and against this application, which the Court ultimately rejected as an insufficient ground for refusing the Claimant the privilege of appearing before it to defend his case. This ill-judged opposition to the claim, led to the waste of several days, and was animadverted upon by the Court when giving judgment in the case; and as having led to two things which were to be regretted. The first, that neither of the Proctors concerned had heretofore acted up to the rule on which the motion in question had been founded; and the second, the filing of Affidavits of the Proctors, directly contradictory of each other, upon which, however, it was not imperative on the Court to give a decision, by which it was relieved from a most unpleasant duty.

The claim is couched in the following terms: "The claim of Carlos Martinez, the Master of the said brig, a subject of Her Catholic Majesty the Queen of Spain, for the said brig, her tackle, apparel, and furniture, the goods, wares, and merchandises on board the said brig at the time of the capture thereof, by Her Majesty's Brig, "*Charybdis*," Lieutenant Samuel Mercer commanding, and brought to Sierra Leone; and for the value of the said brig, her tackle, apparel, and furniture, and her cargo; the vessel as the sole property of Cosmé Toca, an inhabitant of Havana, and native of Spain; and the cargo as the property of José Yrinco de Yrigoyen, an inhabitant of Havana, and native of Spain, of José Joaquim d'Almeida, an inhabitant of Bahia, and native of Portugal, and of him, the said Carlos Martinez, an inhabitant of Havana, and native of Florida; and as protected by the Treaties and Conventions entered into between Great Britain and Spain, dated and signed, respectively, at Madrid, on the 23rd day of September, 1817, and on the 28th June, 1835. And for all costs, charges, losses, damages, demurrage, and expenses, as have arisen, or shall, or may arise, by means of the capture and detention of the said Brig, and her cargo as aforesaid."

In support of the above-mentioned claim, the following Affidavit was sworn to and filed:—

"Appeared personally the said Carlos Martinez, the master of the said brig, and maketh oath that he is a subject of Her Catholic Majesty the Queen of Spain, and was master of the said brig at the time of the capture thereof by Her Majesty's brig "*Charybdis*," Lieutenant Samuel Mercer commanding, and that the said brig was so captured on the 26th day of June last past, off Accia, in the prosecution of her voyage from Bahia to Lagos, with a cargo consisting of bale goods, muskets, tobacco, and rum, and brought to Sierra Leone. And he further maketh oath, that Cosmé Toca, of Havana, a subject of Her said Catholic Majesty, was at the time of the capture, and now is, the true, lawful, and sole owner and proprietor of the said brig "*General Ricafort*," her tackle, apparel, and furniture; and that the said José Yrinco de Yrigoyen, of Havana, a subject of Her said Catholic Majesty, and José Joaquim de Almeida, of Bahia, a subject of Portugal, and him, this deponent, are the true lawful, and sole owners and proprietors of the cargo on board the same. And the deponent further maketh oath, that he verily believes the said brig and cargo are protected by the Treaties entered into between Great Britain and Spain, dated and signed respectively at Madrid on the 23rd September, 1817, and on the 28th June, 1835. That the said brig left Havana with a part of the cargo on board, namely, the dry goods and muskets, on the 1st day of March last past, and sailed direct to Bahia, where the remainder of the said cargo, namely, the tobacco and rum, was taken on board, with which he was instructed to proceed to Lagos, there to land the same, and to return in ballast to Bahia for another cargo, which he was carrying into effect when he was captured. That previously to his said capture the deponent had landed a few trade goods at Elmina for the purchase of two canoes, which were intended for landing the said cargo at Lagos, and for taking on board a sufficient quantity of sand

ballast, to enable the said vessel to return to Bahia. That the commander of the capturing vessel at the time of the detention of the said brig sent the said canoes to Acora with the people, whom deponent had hired for working them, together with part of the crew of the detained brig. And the deponent further saith, that the said brig at the time of her capture and previously thereto was engaged in legitimate commerce, and was in no way fitted or equipped for the Slave Trade. That there are on board six planks of two and two and three quarter inches, and four boards of three quarter inch; the former was placed on board for stowing the spare ropes and hawsers, when the vessel was in ballast, and the latter for the carpenter's use in the repairs of the vessel, besides a number of short pieces, about twenty, of different sizes, which were used as dunnage for stowing the cargo; and some plank was also required for boxing in the said ballast; that there is also a half deck laid aft of loose plank, about six feet in length, on which the stores and provisions of the vessel are stowed; that there are several forelocks on board, which the captors have found in the vessel, but the deponent was ignorant of their being on board; they were in the carpenter's charge; neither does the deponent know for what purpose they are intended, they are not adapted for slave irons, the Prize-Officer having since his arrival in this port brought those pairs of irons on board, and endeavoured to make use of the said forelocks, but found they could not fit. That in fact no irons and shackles are on board his vessel, nor have ever been on board since deponent has had command of her. And deponent further maketh oath that no person or persons other than the persons before-mentioned have any right, title, or interest in the said brig, her tackle, apparel, and furniture, goods, wares, and merchandises on board the same at the time of the capture and seizure thereof, and that he is duly authorised to make the claim hereunto annexed, and that the same is a true and just claim, and that he shall be able to make due proof and specification thereof. And the deponent lastly saith, that since his arrival in this port which was on the 15th day of July instant, and previously to his being examined on the standing interrogatories, he has only been permitted to come on shore once, and then he was unable through indisposition to attend to any matters connected with the cause, since which period he has been confined on board his vessel, as the Prize-Officer would not permit him to come on shore, although he requested him so to do, until his examination as aforesaid.

After the filing of the claim the captor's case was reopened by his Proctor on the 1st of August, for the introduction of additional evidence. The Bill of Sale, the document alluded to by the Master on his examination in chief, was filed with an affidavit of the Prize-Officer relating to the mode of its delivery to him. Mr. Rowlatt, the Prize-Officer, gave further testimony, on the 4th instant, relative to the short pieces of plank found in the hold of the vessel, and their intended use. The affidavit of this gentleman states that, on removing a part of the vessel's cargo, he was enabled to collect "thirty short pieces of plank, which he found stowed among the same, and that from the manner in which he found this short plank stowed away among the small part of the cargo he has been able to remove, he has reason to believe, and does believe, that if he were enabled to clear out the cargo from the entire hold, a further quantity would be found. That from the appearance of this short plank, in length from nine to four feet, deponent is convinced it has not been put on board for dunnage, but that the same has been cut short for the sole purpose of being kept out of view, as from the large quantity of fire-wood on board, there existed no necessity for using plank as dunnage. That deponent has laid the said short plank on the beams, and finds that with the long plank also on board, about one-half of the space may be laid, should it have been considered necessary by the Master of the said vessel to lay what is generally termed a slave-deck.

On the same day the captor's Proctor obtained permission to file another affidavit, tending to prove that the forelocks were not, as the Claimant had stated, intended for lawful purposes. It was distinctly declared in the above document, by one of the sworn Surveyors of the Court, who had been sent to report upon the brig's equipment, that, on the production of the forelocks, "the Master said he supposed they were for his topsail sheets, upon which the Prize-Officer produced the topsail sheet shackle, when the forelocks alluded to were found unfit for the purpose of the said shackle, and were clearly never intended for the same, and that this deponent could find nothing belonging to the said vessel for which the said forelocks appear to be intended."

Certain special interrogatories were at the same time framed by the captor's Proctor, to elicit further evidence from the three witnesses who had been previously examined. The object contemplated by these questions was to ascertain the amount of the seamen's wages, whether any articles of agreement were in existence, what was the intended disposal of the two hundred rolls of tobacco owned by the Master, and the nature of the Charter-party; which points, if proved, would throw considerable light upon the true character of the vessel's voyage. It was shewn by each of these three examinations, that the Boatwain was to receive forty-five dollars a month, the Cook thirty dollars, and the seamen each twenty-five dollars; that there were Articles of Agreement to this effect at Havana, which had been left at the Office of Marine, as the Master stated was usual. This was a declaration at variance with the Court's experience, as in the generality of Spanish cases, the document in question has been found among the vessel's papers. Notwithstanding the above heavy monthly expenditure for wages alone, the Owner had hired her for eight hundred dollars a month. This question, however, has been fully treated of in our decision, which is hereafter detailed, and need not therefore be further remarked upon here. As to the private venture of Martinez, he declared it was his intention to have disposed of it for gold dust and money.

The unusual circumstance of there being three medicine chests on board the "*General Ricafort*," was brought under our notice on the 9th August, when an Affidavit was filed of the Colonial Surgeon, Mr. Aitkin, to whose inspection their contents had been submitted. In that gentleman's professional opinion it was declared, that the chests contained a very large assortment of medicines, fully sufficient for the use of several hundred persons, for a period of from two to three months; that a great proportion of the said medicines, this deponent considered, was put up for the cure of those disorders to which the natives of Africa on shipboard are found peculiarly liable. This proceeding terminated the Captor's case, and publication thereof was published on the same day.

In answer to the above allegations the Claimant's Proctor filed a joint Affidavit of the Master and Boatwain on the 10th August. Both alleged ignorance of the contents of the large medicine chests, which were stated to have been shipped at Bahia, the first as the property of one Domingo, a free negro passenger, and the other as cargo for the consignee at Lagos. The third chest was for the use of the brig's company, and was kept in the cabin. They also swore "that the small pieces of plank found on board by the Captor were used for the purpose of dunnage; that there were about three thousand packages of roll tobacco on board, and that great care is required in stowing the same

in the hold, for if it be not properly damaged, and kept from the sides and bottom of the vessel, it would become damaged. That since the arrival of the said vessel in this port, nearly the whole of the cargo had been removed by the Captor, and in restowing the said tobacco no damage had been used. That there are only four solid beams in the vessel between decks, and that therefore without additional beams being laid first, it is impossible to form any deck with the plank which had been used for the damage of the cargo, some of it being only four feet in length. That after receiving about two-thirds of the cargo on board, it was found that they were short of damage, and it (more damage) was required from the consignee at Bahia, who immediately sent off a boat load, and upon the cargo being completed, there was a quantity of it left. At the close of the Affidavit the Boatswain declares, that the Prize-Officer attempted to form a deck on board with the planks, but could not succeed in so doing, as there were not beams enough in the hold to support the said plank.

The Claimant closed his case on the 12th August, and with it terminated the proceedings on both sides.

Previous to proceeding to adjudication, the Court thought it expedient to cause a survey of the detained vessel to be held, in order to arrive at certain material points in the case, which it was considered might have been brought forward in the course of the investigation; and which points the report of that survey, filed on the 22nd ultimo, went to elucidate.

The same gentlemen who made the first survey, conducted this examination of the vessel, and reported that "There is a bulkhead forward fixed, on which battens are nailed level with the lower deck beams, and appear fit to receive a deck. The greater part of the planks on board are of a description similar to those composing the small loose deck before the cabin, and could be adapted for a continuation of the said loose deck. The quantity of plank we saw on board would reach about half the length of the vessel, and would serve as a slave deck so far as it went, and the quantity we supposed it stowed in the lower hold would answer the purpose of completing a slave deck fore and aft."

The last expressed opinion of the surveyors, as to there being a sufficient quantity of plank in the lower hold to complete an entire slave deck, being founded on supposition alone, was explained by them in the following remark:—

"We beg to observe, that we found it impossible to ascertain accurately the whole quantity of plank on board, in consequence of the captors not having employed sufficient means for shifting the cargo, so as to enable us to examine the lower hold."

The continuation of the survey then follows:—"The beams in the lower hold are sufficient in strength, but not in number, to lay a deck on; there are no cleats, but in the ceiling are air-holes cut on a level with the beams, which would answer the purpose of receiving temporary beams or stilts to lay a deck on. The sail-room is distinct and separate from the cabin, fore-castle, and storeroom, and appears to have been built for a sail-room. The beds for the water casks are not fixtures, and we cannot ascertain if they were fixed previously, or made for the present voyage. The medicine chest in the cabin is of a description adapted for the use of the officers and crew of a merchant vessel; one of the two medicine chests in the hold is marked B: neither of the said chests appear, either from their packing or external appearance, to bear reasonable evidence that they were cargo, or formed part of a passenger's luggage. It is not usual for a vessel, like the "*General Ricafort*" to employ plank for dunnage for roll tobacco; and the planks are in a larger quantity, and in a greater thickness than would be requisite for such purpose; and all or part of the large quantity of fuel on board would have answered equally well without the said plank. The forelocks on board are of the description usually employed in securing slave shackles, and are fit and adapted for such purpose. We have fitted three of the forelocks to slave shackle bolts, which we return to the Court for inspection. [These bolts were those out of six slave shackle bolts taken from a heap in the stores of the Court.]

"There appears nothing remarkable or unusual in the appearance of the detained brig as regards a merchant vessel, but the large medicine chest in the hold, not marked, which is similar to those generally found on board slave-vessels."

In the defence of the Claimant, it was given as an excuse for having so much extra plank on board as had been discovered, that it was essentially necessary for the stowage of roll Tobacco, which formed a very large part of the cargo. It, however, accidentally came to the knowledge of the Court that this statement was at direct variance with truth; and with the desire of having evidence upon the subject, the Court directed some special interrogatories to be put to the Prize-Officer, Mr. Rowland, on the 23rd ultimo. This examination proved that, when the said brig was detained, the roll Tobacco was found stowed without dunnage of any kind, so far as the witness had an opportunity of observing. There was some loose plank, about fifteen pieces, used as a sort of division between the Tobacco and the rest of the cargo, but not under the Tobacco, or between it and the sides of the vessel. That previously to the "*General Ricafort*" being brought into Court, no alteration was made in the stowage of the said Tobacco, as regards its dunnage; and that, in that gentleman's opinion, dunnage is not required in a ceiled vessel like the "*General Ricafort*" for the stowage of roll Tobacco."

In accordance with a joint petition for a day of trial, the 25th August was appointed by the Court for the adjudication of the detained vessel.

At the sitting of the Court, after the evidence taken on both sides had been read, the Proctors for Captor and Claimant were heard at a considerable length on behalf of their respective clients. It will not be necessary to recapitulate the arguments used by these gentlemen, many of which were founded upon the construction it was wished the Court would put upon certain acts and facts which had appeared in the evidence. The Proctor for the Claimant, however, advanced one position, which the Court felt called upon to notice, as it contained a reading of the Treaty not admitted by us. This gentleman urged, that it was no part of the province of the Court to judge of a Claimant's intentions; and that the evidence received ought not to be allowed to extend to any other charges than those contained in the Declaration of the Captor, and the Prize-Officer's Affidavit respecting the circumstances attending the seizure. His arguments in support of these views he founded on the 3rd Article of Annex. A. of the Treaty of 28th June, 1835.

This opinion was at variance with that held by us, and with the former practice of the Court. It would be, as was very justly observed by the Seizor's Proctor, a serious hardship upon the commanders of cruisers employed in checking the Slave Trade, if they were not permitted to take advantage of such new facts as might appear after seizure against their prizes, and in particular as regards equipment cases, when it is remembered the almost insuperable difficulties which present themselves to an

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efficient examination of a suspected vessel, found at sea with a full, or even a large cargo on board. Such a construction of the Treaty as that proposed seemed likely only to benefit those who are interested in evading its provisions; whilst it would materially increase the responsibility and liabilities of the seizers. We therefore declined admitting this new reading of the Treaty, declaring it to be our intention to act up to the former practice of the Court.

Before going into the question of the illegal equipment of the detained vessel, we adverted to that charge in the Captor's Declaration which relates to a supposed informality in the ship's papers; No. 5 of which represents her as being 238 tons, No. 1 as 91½ tons, and No. 2 as 180 tons. In respect to No. 1, the Royal Passport, the discrepancy was got over by an endorsement on the back of it, which explained that the brig had been altered, by which an increase in her capacity had taken place, making her of the burthen of 120 tons, and by which this document was made to agree with the Havana Muster-roll. No. 2. The measurement in these papers we took for granted contained the Spanish tonnage of the brig. No 5 contains the tonnage of this vessel as ascertained by the Authorities at Bahia, in order to levy one of their taxes, and of course states the Portuguese measurement of the vessel, which is well known to give a much larger tonnage than the Spanish mode. The cause of difference observed by the captors in the papers referred to appeared therefore to be easily accounted for, and not to involve any question of fraudulent intention.

The captor's allegation that the detained brig had her foremost beam fitted for an additional bulkhead, did not appear to be well founded, as the three Surveyors of the Court, after two separate surveys of the vessel, could not concur in the captor's opinion on this subject. It is not very probable that the captor was on this point correct, as the number of bulkheads standing in the brig were equal to what is usually met with on board of vessels, not merely charged with, but actually carrying slaves.

What then remained for the Court to decide upon was, whether this vessel had been fitted to receive a slave deck, which, either wholly or in part, was on board for use as such, the captor having declared that he had found a part of such a deck laid at the time of seizure, the same being marked and numbered in the manner usual in vessels fitted for the Slave Trade.

The direct proof, which we had before us in support of this charge we found in the Surveyor's Report, which states that they "found a loose deck laid in front of the steerage, the planks of which are numbered and fitted on to the beam in such a manner as to leave a sufficient space on the other side of the beam to receive planks for a continuation of a deck forward." "That there is a fixed bulkhead forward, on which battens are nailed level with the lower deck beams, and which appear fit to receive a deck." "That a greater part of the planks on board are of a description similar to those composing the small loose deck before the cabin, and could be adapted for a continuation of the said loose deck." That "the beams in the hold are sufficient in strength, but not in number, to lay a deck on;" there are, however, the Surveyors add, "air-holes cut in the ceiling on a level with the beams, which would answer the purpose of receiving temporary beams or carlines to lay a deck on;" and in conclusion they observe on this point, that "the quantity of plank they saw on board would reach about half the length of the vessel, and would serve as a slave deck as far as it went." Judging from the quantity of plank which had been found by removing the cargo of the upper hold, they gave an opinion that what might be expected to be found in the lower hold would "answer the purpose of completing a slave deck fore and aft."

This evidence very clearly established, to a certain extent, the charge to which it referred, and we then looked to the explanation given by the claimant and his witnesses of the grounds of the vessel being so fitted. The Master in his affidavit in support of his claim confirmed his statement at his examination in chief, that there was a loose deck six feet long, laid before the steerage, on which he placed the brig's provisions, and that, in addition to the necessary dunnage for the cargo, he had only ten planks, varying in thickness from three-fourths to two and three-quarter inches, which were intended for the carpenter's use. Between the time of his first examination and that of his lodging the claim, the Prize-Officer had turned over a part of the cargo, and found thirty pieces of plank varying in length, and we had therefore, in the affidavit with the claim, the additional explanation that "some of the planks were for boxing in the ballast with which she was to return to Cuba."

The Boatswain and Steward at their examinations gave evidence as to the plank similar to that of Master at his first examination. In a subsequent joint affidavit of the Master and Boatswain, it was, however, stated that planks of the kind found were required as dunnage for the Tobacco, of which there were three thousand rolls on board, in order to stow it away with sufficient care, and keep it from the sides and bottom of the vessel. They added that some of the planks were overplus dunnage, being part of that obtained at Bahia.

The main point of this defence of the claimant is, that he had the suspected unnumbered planks on board as dunnage for his cargo, and in particular for the large quantity of Tobacco. A statement which has been in the most pointed manner refuted by the Prize-Officer's testimony, which established that, at the time of seizure (when the vessel's cargo was of course stowed in that way which the Master approved), no dunnage whatever was in use to keep the Tobacco off the sides of the vessel, and that such was not, in his opinion, requisite, the detained brig being lined throughout.

Confirmatory of this opinion of the Prize-Officer is that of three Surveyors, who have jointly declared that "it is not usual for a vessel like the '*General Ricafort*' to employ plank for dunnage for roll Tobacco," adding that "the fuel on board would have answered equally as well without the said plank" for this object.

This evidence of itself is sufficient to prove the want of correctness in the causes assigned by the Master in explanation of his questionable outfit, and render his defence useless. It is, however, but just that other circumstances connected with the voyage, in which the brig has been detained, should be looked into before deciding finally upon the case.

The first and most important point to examine is, the alleged nature of the voyage, which we were informed by the Master, was to deliver at Lagos a cargo of merchandise shipped at Havana, the brig touching at Bahia on her way out, where she received additional goods; and that she was to return from Lagos to Havana in ballast: and for this service the freight of the vessel was to pay eight hundred dollars per month.

As it had appeared in evidence that part of the crew of the "*General Ricafort*" had been hired at those rates which we were aware are usually paid to the crews of slave-vessels, the freight said to have been agreed upon, seemed to us quite unequal to a reasonable remuneration for the owner of the said vessel. In order to arrive at a correct opinion upon this point, we made reference to the

agreements with the crews in the cases of some vessels which had been seized with slaves on board and condemned here, from which papers, and the evidence given herein as to the wages of the Boat-swain, Cook, Steward, and the Seamen, we formed an estimate of that expense which would be incurred to pay those persons whose names appeared on the Master-roll of the brig.

The data in question gave us the following result:

	Dollars.	Dollars.
Given in evidence that the Boatswain was to have monthly	45	
The Steward do. do.	30	
The Cook do. do.	27	
And each of the thirteen Seamen twenty-five dollars, making in all	325	
		427
Estimate of the pay of the Master, Mate, Agregado, and Carpenter, on a low calculation		250
		677
To the above must be added the feeding of the Officers and Ship's Company, twenty in number, which, at nine pence a-day for a month of thirty days, gives		90
		767

This calculation leaves but thirty-three dollars a-month coming to the owner as a profit on the capital invested in the brig, and to meet the numerous and heavy expenses, which must continually arise through the wear and tear of the vessel, her rigging, sails, &c., for port charges, insurances, and other outlay. But, as if it was intended that the owner of the brig should have no remuneration for his vessel in the voyage in which she had been seized, we found that two canoes had been bought at St. George's d'Elmina, and nineteen Guinea-men hired to navigate them, for the ostensible purpose of landing the outward-cargo at Lagos, and shipping the sand ballast with which she was to return to Havana. The pay of these nineteen men, on the lowest estimate, must have far exceeded the above-mentioned sum of thirty-three dollars; and thus the mere navigation of the said brig, and delivery of her cargo, would cause the owner greater expense than the freight he was to receive; a circumstance of which he must have been aware when he despatched his vessel from Havana. The statement of the master as to the eight hundred dollars per month freight is somewhat borne out by the letter of instructions from the owner to him, in which it is expressed that the brig has been hired at the rate in question, for "a year or more, if necessary." The time stated by the owner, for which he had let his vessel, at once leads to a conviction of the incorrectness of the account of the Master, as to the nature of the voyage, for the performance of which six or seven months would have amply sufficed.

In the said letter of instructions it appeared, that the brig had been insured for eight thousand dollars (2,000*l.*), the value it is to be presumed that the owner put upon his vessel, and upon which the said freight would have given a return of twenty per cent. per month, which, in a voyage of lawful commerce, would have been sufficient to afford the owner a handsome return for his capital; but which must prove a loss, as we have just shown, in a voyage wherein slave-trade wages are to be paid to the crew of a vessel.

It is to be observed, in regard to the employment of the two canoes purchased at Elmina, that such a practice is, as we have been informed, usual only with slave-vessels bound to the open parts of the coast in the Bight of Benin. The hiring of Guinea-men to manage these canoes appears to be a new practice, and one which it would seem could only be requisite where great despatch was the object, as is the case at Lagos and Whydah in respect to the embarkation of slaves.

There is one circumstance, however, connected with the fittings of this vessel, to which we have as yet made no allusion, though of a most suspicious character, and which tended materially to prejudice the Claimant's case in the view of the Court; that of having a bag containing seventy-two pairs of forelocks for fastening slave shackle-bolts. The Master's explanation respecting these very questionable things was, first, that they were, he supposed, for the shackles of the topsail sheets; and, secondly, that he did not know they were on board, as they were in the carpenter's charge. On examination, however, it was found that these forelocks were not adapted for the purpose the Master had stated they were for; whilst the Surveyors of the Court had given their unbiassed testimony that they were fit and adapted for securing slave shackle-bolts, three of which kind of bolts, out of six indiscriminately taken from a heap lying in the stores of the Court, had been readily fitted by them, and in that state returned into Court with their Report. On such evidence we could not entertain a doubt as to what these forelocks were intended for; or refuse to consider them as an article not permitted to be carried by an English or Spanish vessel, according to the true spirit of the Equip-ment Article of the Treaty of the 28th June, 1835.

As to the very large medicine-chests found in the hold of the vessel after capture, it was not possible to have any other opinion than that they were destined for the use of slaves, when the colonial Surgeon's testimony was placed in juxtaposition to the Master's explanation on the subject. The Surgeon deposed that the major part of their contents consisted of those things adapted for the treatment of diseases to which negroes in a state of confinement on shipboard are peculiarly liable; and that the quantities were equal to the service of several hundred negroes for two or three months. The Master's excuse was, that one of the chests was cargo to be delivered at Lagos, and that the other belonged to the free negro passenger, Domingos, who had been embarked at Bahia, for conveyance to Lagos. If the latter part of the statement had been correct, it is not probable that Domingos would have gone away with the brig's crew to Accra, without even an attempt to carry with him this extraordinary portion of his luggage. And as in none of the papers of the vessel, official or private, any mention was made of a medicine-chest being in the cargo, we could not believe that it had been so shipped. With the desire of having this point made as clear as possible, we directed the Surveyors to report upon it for our information. Their opinion was that the medicine-chest in the cabin was quite equal to the wants of the brig's crew, and that neither of the said large chests seemed, either from their packing or external appearance, to bear reasonable evidence that they were cargo, or formed part of a passenger's luggage.

These medicine-chests must then have been on board for some other purpose than those alleged, and as a false account of them had been given by the claimant, we were of opinion that they were there for the purpose for which they were best adapted, namely, for the treatment of a cargo of negroes.

On the deck of the brig there are fixed beds for ten water-casks, an arrangement which we could not but consider as indicative of the intention to carry a very large return cargo, or else a cargo of negroes; as it is not usual for vessels to run the risk of carrying the chief part of their water on the deck. The Master having declared that the brig was to return to Havana in ballast, the arrangement in question was therefore unnecessary; but as the Master had himself led us to the belief that this assertion was untrue, by declaring at his examination in chief that he corresponded with the agent at Bahia, the before-mentioned Manoel Cardozo dos Santos, as to the vessel's trade, though he had stated the voyage to be simply from Havana via Bahia to Lagos, and back to Cuba in ballast, we concluded the accommodation to which we have referred was provided to give more room below for the return cargo. And in this opinion we were strengthened by the letter of instructions of the said consignee at Bahia to the said Master, whom he directs to inquire of the consignee at Lagos, whether he shall return to Brazils or Havana; a choice of ports which could not be needed for a vessel carrying only ballast.

As to the ownership of the detained vessel's cargo, the Master's statements were anything but clear and straightforward, he having entirely omitted the name of the firm of Robertson and Company, of Havana, who had shipped ten thousand pounds of tobacco, according to the Customs clearance of the vessel; and having sworn himself to be the owner of two hundred rolls of tobacco, though his name nowhere appears in the papers of the vessel, except in a bill of lading, where he is joint consignee of three hundred rolls of tobacco, shipped by José Joaquim de Almeida, of Bahia, as mentioned in the early part of the Report, and claimed by the Master as Almeida's property.

On reviewing carefully the whole of the evidence to which we have herein alluded, and the inferences to be drawn therefrom, our conclusion was that the brig "*General Ricafort*" had been seized in an unlawful voyage to this coast, and, looking at the facts of there having been found on board of her forelocks for slave shackles, two large Guinea canoes, such as are used only in slaving voyages, two large medicine-chests, of the kind met with on board of no other vessels than slavers, and materials for the formation of a loose lower or slave-deck, in conjunction to her having been bound to one of the most notorious slave marts on the coast of Africa, and consigned at that port to an individual known and denounced as the agent and shipper of slaves in a late case; and also that every person engaged or interested in the voyage, except the owner of the brig, had been openly connected with proved slaving adventures; as well as the real nature of the voyage having been differently stated by the Master and Claimant to the description of it contained in the two letters of instructions from the Owner to the said Master, and from the consignee at Bahia; that the voyage was one for the purpose of carrying off a cargo of slaves from Lagos. The captor's impression, therefore, that the small portion of loose deck which he found laid in the brig's main hold, which is marked, numbered, and fitted as is usual in laying such decks on board of slave-vessels, was a part of a deck of a description prohibited by the third section of the Equipment Article of the late Treaty between the Governments of Spain and Great Britain, we held to be correct.

The Claimant's defence, being throughout plainly wanting in good faith and truth, deprived the Court of the power of considering his case, as was solicited by his Proctor, as one which came within the meaning of the Eleventh Article of the Treaty; that provision applying only, in our opinion, to well-established instances of strictly innocent infractions of the Treaty.

A sentence was in consequence passed by the British and Spanish Mixed Court of confiscation of the hull, stores, and cargo of the brig "*General Ricafort*," for having been when seized unlawfully equipped.

At the conclusion of the sentence in this case the Court observed that it was to be regretted that the Seizor's Proctor had not, if able, given some information as to the charge which had been preferred against the crew of the capturing ship of removing various articles from the detained brig at the time of seizure, as the charge thus stood tacitly admitted; when the Proctor for the Captors requested to be then permitted to bring in an explanation, to which the Court instantly assented. On the 29th ultimo, a letter from the Prize-Officer containing the following account of the circumstances alluded to was received and filed with the other papers of the case:—

"At the time of the '*General Ricafort*'s' detention, Mr. Tracey (the senior Mate of the '*Charybdis*') was absent in the Portuguese schooner '*Lafayette*,' and I was just recovering from an attack of fever; in consequence, the acting Gunner was put in charge, a person having but little control over the seamen. During the night the '*General Ricafort*' remained at Accra several of the prize crew became drunk and riotous, so much so, that a boat was sent from the '*Charybdis*' during the middle watch to quell the disturbance. That our men took spirits I have no doubt, and, under the circumstances, they might easily have taken other things, but I am not aware that they did; the only thing which I know to have been taken was a binnacle-lamp, which I caused to be restored on the '*Charybdis*' arriving here. On the passage up, the Master admitted to me that he believed some of his own people had taken several of the missing articles, amongst others, the swords, flags, and chairs; he also mentioned a Portuguese boy who had been attending in the cabin as the party who had stolen the dollars from his pocket; and told me that the second Mate had taken some cigars."

"Owing to the lateness of the hour when it was determined that the '*General Ricafort*' should be sent to Sierra Leone, the Spanish crew were not landed until daylight in the morning after capture; their luggage was put into the canoes over night, and the canoes remained by the brig, so that, considering the drunken state of our men, there was every opportunity afforded for the Spaniards to purloin what they pleased."

(Signed)

WALTER W. LEWIS.
R. DOHERTY.

Sierra Leone, 9th September, 1837.

Second Enclosure in No. 31.

Mr. Bidwell to Mr. Melville.

SIR,

Sierra Leone, 7th September, 1837.

I beg leave to acquaint you, for the information of Her Majesty's Commissioners, that, on clearing the hold of the Spanish brig "*General Ricafort*," I found, on three different occasions, the following

suspicious articles:—three pairs of slave-shackles, and seven pieces of plank, from seven to four feet in length, of a description similar to that used in laying the slave-deck, but not marked or fitted.

The slave-shackles were concealed amongst the dunnage, and not found until the cargo in the lower hold had been removed.

On moving some of the roll tobacco, a portion of it was discovered stowed upon the above-mentioned seven pieces of plank. Underneath these planks again was a quantity of fire-wood, which would apparently have answered equally as well for dunnage, had such been requisite.

From the circumstance of the remainder of the tobacco being stowed without any planks, which rendered obvious the inutility (as far as regarded stowage) of the extra pieces found so questionably employed, I could not but infer that concealment for some sinister purpose was the only object contemplated in having this additional plank on board the condemned brig.

I have the honour to be, &c.

(Signed)

C. B. BIDWELL.

Acting Marshal.

M. L. Melville, Esq., Registrar to the Mixed Courts.

&c.

&c.

&c.

No. 32.

Her Majesty's Commissioners to Viscount Palmerston.—(Received December 16.)

MY LORD,

Sierra Leone, 2d October, 1837.

WE beg leave to make reference to that portion of our Despatch to your Lordship marked Spain, of the 20th July, 1836, respecting the expense of cutting up slave-vessels condemned in the British and Spanish Mixed Court of Justice established here, and to state that finding from the facilities which now exist that the rate of expense at which such vessels had hitherto been cut up could be considerably reduced without prejudice to the manner in which this service is executed, we have directed that in future the following scale of remuneration be adopted in lieu of that described in the Despatch above alluded to.

For the first 60 tons an allowance of 3s. per ton.

For the further tonnage of a condemned vessel at the rate of 1s. 6d. per ton.

We have, &c.

(Signed)

WALTER W. LEWIS.

R. DOHERTY.

The Right Hon Viscount Palmerston, G.C.B.

&c.

&c.

&c.

SIERRA LEONE. (*Portugal.*)

No. 33.

His Majesty's Commissioners to Viscount Palmerston.—(Received April 28.)

MY LORD,

Sierra Leone, 6th February, 1837.

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 15th December, 1836, with its Enclosure; informing us that your Lordship had been pleased to offer thanks to Mr. Beecroft for the assistance which the Commander of his steam-vessel afforded to the seizing Officer in charge of the "Buzard's" boat, in making the capture of the Portuguese slave-brigantine "*Joven Carolina*."

We beg leave to thank your Lordship for the above communication.

We have, &c.

(Signed)

WALTER W. LEWIS.

H. D. CAMPBELL.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 34.

His Majesty's Commissioners to Viscount Palmerston.—(Received July 5.)

MY LORD,

Sierra Leone, 4th March, 1837.

THE Portuguese brig "*Paquete de Cabo Verde*," having on board 576 slaves, was detained on the 11th January last, at the entrance of the Bonny River, by His Majesty's sloop "*Scout*," Commander Robert Craigie, and immediately despatched for adjudication to this port, which she reached on the 20th ultimo.

On the 2d instant this vessel was condemned for illicit slave-trading, and the survivors of her human cargo, in number 452 persons, emancipated, as will more fully appear in the Report of this Case, which we have now the honour to forward to your Lordship.

This vessel, formerly bearing the name of "*San Pedro*," alias "*El Marinero*," being under Spanish colours, was the property of the slave-trading firm of Martinez and Company, of Havana, whose agent at Lisbon, Mattheus da Silva Louro, sold her on 24th August last to Francisco Cardozo de Mello, recently a resident of the Cape Verde Islands, who obtained for her a Portuguese Passport and other Papers at Lisbon, and then despatched her to Cadiz for a cargo, whence she proceeded to the Bonny, first touching at the Cape de Verdes.

The sale to De Mello we consider must be looked upon as of a very questionable character, when it is remembered that he is the same person who appeared as Owner of three of the Spanish vessels which nominally changed their nationality at the Cape de Verdes during last year, and as the security for the payment of the price of two other Spanish vessels so disposed of, and all of which were condemned here.

The Lists furnished by His Majesty's Commissioners at Havana show this vessel, when under the Spanish flag and bearing the name of "*El Marinero*," as having completed two successful voyages up to 23d January, 1835. There is no further mention of her until 23d March last, when she again left Cuba, and must have proceeded direct to Lisbon, she having been sold in that port in the month of August following.

It is due to Lieutenant Price, the Prize-Officer in this Case, that we should mention that, although an extensive mortality occurred among the slaves of this vessel during their passage up, it appeared that he had made very judicious arrangements

for their comfort, and that the detained vessel and negroes arrived here in an extremely cleanly and creditable condition.

We have, &c.

(Signed)

H. D. CAMPBELL

WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 34.

Report of the Case of the Portuguese brig "Paquete de Cabo Verde," Bartholomew Robello, Master.

This vessel was navigated under a Lisbon Passport, dated the 22d August, 1836, and authorizing a voyage to the ports of Africa *viâ* Cadiz and Cape de Verdes. At the two last-mentioned places many of the Papers given up to the capturing Officer were procured. The Spanish Documents obtained at Cadiz, and authenticated by the Portuguese Consul-General, Senor Manuel de Souza Machado, show that the principal part of the outward cargo was shipped at that port. A list of the more important Papers connected with this vessel is added hereunder.

A Lisbon Passport, with the date and destination above expressed, and signed by Manoel Gonçalves de Miranare, Secretary of the Marine.

Francisco Cardozo de Mello (of the Cape de Verde Islands), whose name has been rendered notorious by his connexion with the Portuguese slave-vessels adjudicated in 1836, is stated to be the Owner; although this Paper was issued at Lisbon, it still contains no prohibition against the employment of the vessel in the Slave Trade.

A Muster-roll issued by the Portuguese Consul-General at Cadiz on the 3rd September, 1836, in which F. C. de Mello is again mentioned as Owner. Some Spanish Papers were also procured at Cadiz; amongst these is a bundle of Custom-house Documents, which show that a great part of the outward cargo was shipped there.

The Bill of Sale of this vessel is dated at Lisbon, the 24th August, 1836. A Portuguese merchant, living at Lisbon, named Matthews da Silva Louro, and Agent of the slave-trading firm of Pedro Martinez and Company, of Havana, appears as the seller, and the said Francisco Cardozo de Mello as the purchaser. The sum paid for the vessel was 2,000 dollars. It is stated also that she was formerly under Spanish colours, and bore the name of "San Pedro," alias "El Marinero."

And lastly, three Custom-house Papers, dated at the Cape de Verdes, on the 19th and 21st September, 1836, tend to prove that the detained vessel fulfilled that portion of the destination mentioned in the Lisbon Passport, which relates to her being about to proceed to Cadiz and the Cape de Verdes. The last places stated in the Passport are the ports on the Coast of Africa, which turned out to be the Bonny, where the slaves forming the cargo at the time of capture were brought and shipped.

His Majesty's sloop "Scout," Commander Robert Craigie, effected the capture of the "Paquete de Cabo Verde" on the 11th January, 1837, at the entrance of the River Bonny, with 576 slaves on board, as the Seizor's Declaration, filed with the Ship's Papers on the 20th February, fully explained.

The respective Reports of the Marshal and Surgeon to the Courts were filed on the 20th, the day on which the preliminary steps in the prosecution were instituted, by the issuing of the Monition and the order for the examination of the witnesses in the Case. The result of the Surgeon's investigation was unfavourable in the extreme; his Report specifying the number of deaths to have been 106, all caused by dysentery, with the exception of 3, 2 of which were cases of suicide, and one of accidental drowning, and pointing out 112 cases for hospital treatment. The slaves were consequently ordered to be immediately landed, and were consigned to the custody of the Colonial Authorities.

The two witnesses in preparatory, the Master, Bartholomew Robello, and the Cook, Pedro Pechemiel, were severally examined on the 21st ultimo.

The first witness deposed "that he was born at Lisbon, and lives there; has never served any State but Portugal; was appointed to the command at Cadiz in July last by the Owner, Francisco Cardozo de Mello, a resident of Lisbon and a Portuguese subject; possession was delivered at Cadiz to witness by the correspondent of De Mello, one Mathias, a resident of Cadiz, and witness believes a Spanish subject; first saw the said vessel in July last at Cadiz; does not know where she was built. Was present at the time the vessel was seized for having slaves on board; sailed under Portuguese colours; there was also an old Spanish flag and a signal which he found on board when he took possession. The vessel is called 'Paquete de Cabo Verde;' has never heard of any other name; is 182 tons burthen, and there were 81 Officers and mariners, exclusive of witness; some Portuguese, some Spaniards, part hired in Lisbon by the Owner in July last, and sent by a steamer to Cadiz, where they were shipped with the remainder of the crew in August or September last; neither he nor any other of the Officers or mariners had any interest in the vessel or cargo; was Master on board; there were some Spanish seamen passengers at the time of capture; they were embarked at Cadiz, and came to the Coast to seek employment, but, not meeting any, were going on to Cuba; none of them had any interest or authority in regard to the vessel or cargo. The last clearing port was St. Jago, Cape de Verdes. The voyage commenced at Cadiz, and was to have ended at Cuba; from Cadiz the vessel proceeded to Cape Verdes, where she lay 2 days, and thence proceeded to the Galinas, where she remained 4 or 5 days, and procured a little wood, and then went on to the Bonny, where slaves were purchased from the natives. The capturing vessel was first seen outside the bar of the Bonny, the day after the boats had captured witness's vessel; capture took place within the bar of that river on the 12th of last month; the captured vessel was steering for Cuba at the time of seizure. No resistance was made; there were no instructions to make any, or to avoid or escape capture, or for concealing or destroying any of the vessel's Papers. Francisco Cardozo de Mello is the sole Owner of the vessel; knows it from having received the command from him. De Mello is a Portuguese by birth; the said De Mello resided at the Cape de Verdes before he lived at Lisbon. There was a Bill of Sale, he believes, among the Papers delivered up, but knows none of the particulars, having never read it; does not know what the price was, or whether the same be paid; believes the sale to be a true one: there was no private agreement. Francisco Cardozo de Mello is the Owner of the slaves, and witness was the Lader and Consignee. They were to have been landed at Cuba, on account and risk

of De Mello, and will belong to him only if restored; believes so from having received charge of the goods with which they were purchased from the said De Mello. Knows nothing of the last voyage; the lading on this, which was shipped at Cadiz, was cloth, powder, rum, tobacco, and money; 576 slaves were shipped altogether, all from the shore. Does not know their description; none died before capture; about 110 have died since; was taken direct to Sierra Leone after capture. The Passport and other Papers found on board were all true and fair. No Papers were concealed, destroyed, or made away with."

The second witness's evidence varies in some of the particulars from that above recapitulated. Entire ignorance is professed of the Owner's name, and of the existence of any Bill of Sale. It is also stated that the vessel's proper name is "*Marinero*;" she is also called "*Paquete de la Havana*." The remainder of this witness's examination is corroborative of the Master's.

Publication of the Case was granted on the 22d ultimo, when the Prize-Officer's Affidavit, showing the number of deaths among the slaves since capture to have been 111, was sworn to and filed.

On the 27th, the Marshal returned the Monition duly certified; and the Case being thus complete, the Court proceeded on the 2d instant to the trial of the detained vessel.

The Registrar having publicly read the evidence already detailed, the Court thereupon gave their decision, condemning the "*Paquete de Cabo Verde*" as good prize, and emancipating the surviving 452 slaves.

Sierra Leone, 4th March, 1837.

(Signed) H. D. CAMPBELL,
WALTER W. LEWIS.

No. 35.

His Majesty's Commissioners to Viscount Palmerston.—(*Received* .)

MY LORD,

Sierra Leone, 4th March, 1837.

HEREWITH we have the honour of laying before your Lordship our Report of the Case of the Portuguese brig "*Esperança*," seized with 108 slaves on board, by the boats of His Majesty's sloop "*Scout*," Commander Craigie, at the entrance of the Bonny River, and condemned this day, when her 89 surviving slaves were decreed to be emancipated.

The seizure of this vessel took place within half an hour of the detention of the "*Paquete de Cabo Verde*," reported in our previous Despatch of this date.

When the "*Esperança*" was first seen coming out of the Bonny she had on board upwards of 500 slaves, all of whom were disembarked there by the Portuguese crew, except the 108 above alluded to, before the "*Scout's*" boats could secure the "*Paquete de Cabo Verde*," and then come up with the "*Esperança*." At the moment of detention the Portuguese crew had left the "*Esperança*," carrying with them the Papers of the vessel, and the Prize-Officer informed us that he only succeeded in getting them on board again by firing on the canoe in which they were.

This is the vessel which was reported to your Lordship by His Majesty's Minister at Lisbon on the 12th February, 1835, as having been fitted out there for the Slave Trade. The Passport under which she sailed from Lisbon on the occasion, referred to by Lord Howard de Walden, has served as her authority up to the present time, and bears only one endorsement of a subsequent date, which expresses, that Madail, her original Master, had been superseded at Benguela in August, 1835, by Carlos Estavao Sassetti. Madail was, however, found in command of this vessel at the time of detention; a circumstance which he accounted for by stating that he had purchased the vessel from Sassetti at Havana in August last.

This declaration of the Master is directly at variance with the vessel's Passport. It is worthy of observation that the 2 vessels whose Cases are reported under the present date were both fitted out for the Slave Trade in the Portuguese capital.

We have, &c.

(Signed) H. D. CAMPBELL,
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 35.

Report of the Case of the Portuguese brig "Esperança," Felix Casmé Madail, Master.

THIS vessel, owned and commanded by subjects of Portugal, was fitted out originally at Lisbon, in the month of December, 1834, for the Slave Trade. At that time and place a Navigation Passport was procured from the Secretary of State for Foreign and Marine Affairs, which has served for more than one voyage, as it bears an official endorsement dated at Benguela, the 4th August, 1835, and was the authority under which she was found sailing at the time of her detention. The only other Official Papers found in the captured vessel were a Muster-roll and Custom-house Clearance of the outward cargo from Havana, dated in that port 23d of August last. In the former Document she is stated to

have been bound for the Malagueta Coast and the Islands of St. Thomas and Princes; and in the latter to the River Bonny, which last proved correct; as at the Bonny the slaves were purchased and taken on board, and it was at the entrance of that river that the boats of His Majesty's sloop "Scout" captured the slave-brig with 110 negroes on the 11th January, 1837.

The Marshal reported the arrival of the "*Esperança*" on the 24th ultimo; when also the Surgeon to the Courts made his usual statement of the condition of the slaves which, from recent ill health and present debility, was pronounced unfavourable.

The concurrence of the Colonial Government to their disembarkation, was therefore obtained with every possible despatch; and the slaves were accordingly landed and placed in the custody of the Liberated African Department.

The prosecution of this vessel in the British and Portuguese Court of Mixed Commission commenced on the 25th, by the filing of the Affidavit of Seizure with Ship's Papers and Captor's Declaration; the usual order for the issue of the Monition and examination of the witnesses being given at the same time by the Court.

The principal facts set forth in the Declaration are, that the detention took place on the 11th January last, at the entrance of the River Bonny, by the boats of His Majesty's sloop "Scout;" that the vessel was then under the Portuguese flag, bound to Cuba; and that she had a cargo of 110 negroes, said to have been embarked on the day of capture.

The Registrar examined the witnesses in preparatory, Felix Cosmé de Madail, the Master, and the Cook, Plácido da Costa, on the 25th February.

The Master deposed, that "he was born at Lisbon, and lives there, has never served any State but Portugal." Appointed himself to the command, being Owner; possession was delivered to witness in August last, at Havana, by Carlo Estavão Sassetti, the former Owner, a Portuguese, and a resident of Lisbon; first saw the vessel at Lisbon in February 1835; does not know where she was built. Was present when his vessel was seized for having slaves on board; sailed under Portuguese colours; had also English, French, Spanish, and American ensigns for signals, which he bought with the vessel. The vessel has never been called by any other name than "*Esperança*," she is about 280 tons, and had about 89 Officers and mariners, exclusive of witness, all Portuguese, except a few of the seamen who were Spaniards and Italians: all hired and shipped at Havana in August last by witness. None of the Officers or mariners had any interest in either the vessel or cargo, and witness had no interest himself in the latter; was Master on board. The last clearing port was Havana, and the voyage commenced and was to have ended there; from Havana the vessel went direct to the Bonny, where slaves were shipped by the Supercargo, Narciso Estavão. The capturing vessel was first seen 2 days after her boats had seized the "*Esperança*;" capture took place on the 11th January, whilst the vessel lay at anchor in the Bonny. There was no chase; the vessel's Papers were for St. Thomas's and the Bonny. There are 4 guns mounted, a few muskets and cutlasses, and a small quantity of ammunition for defence; there was no resistance made or instructions to make any, or for avoiding capture, destroying or concealing any of the vessel's Papers. He is sole Owner of the vessel. There was no Bill of Sale; witness bought the vessel at public auction for five thousand five hundred and fifty dollars, cash, paid down, and which was a fair equivalent for the vessel; there was no private agreement. The Lader, Owner, and Consignee of the slaves was the said Narciso Estavão, whom he believes to be a Portuguese, and a resident of Havana; cannot tell how long he has lived there, or where he formerly resided. The slaves were to have been landed at some place in the West Indies, but does not know exactly where; they were to have been landed at (on) the account and risk of the said Estavão; knows it from Estavão having hired the vessel and shipped the outward cargo. Knows nothing of the last voyage; the lading shipped at Havana on the present was cloth, rum, tobacco, muskets, and powder; 110 slaves, and no more; were shipped altogether, all from the shore; does not recollect their descriptions; was taken direct to Sierra Leone after capture. The Passport and Papers delivered up were all true and fair. No Papers were concealed, destroyed, or made away with. Knows of no other Papers in any country relating to the vessel or cargo. There was no Charter-party. Witness hired the vessel of Estavão, by a verbal agreement, for 2,000 dollars per month during the voyage. The vessel was under Estavão's management in regard to her trade."

The second witness's examination brought to light a fact, of which the Master made no mention. He said that he thought "about 500 slaves were shipped altogether, all from the shore, about 400 escaped ashore before capture." On other subjects he appeared, as far as his knowledge extended, to corroborate the evidence of the Master.

The evidence on behalf of the Seizor being finally closed, publication thereof was granted on the 27th ultimo. The Affidavit of the Seizing Officer, Lieutenant John Price, and of the Officer in charge of the "*Esperança*," Mr. Nelson Locker, filed on the above-mentioned day, proved that 18 deaths had taken place since capture.

The Monition was returned into Court on the 4th instant, with the Marshal's Certificate of its proper execution. On this day the Court met for the decision of the Case of this vessel, when a sentence of condemnation was passed upon her, and the emancipation decreed of the 89 surviving slaves of her cargo.

Sierra Leone, 4th March, 1837.

(Signed)

H. D. CAMPBELL.
WALTER W. LEWIS.

No. 36.

His Majesty's Commissioners to Viscount Palmerston.—(Received July 5.)

MY LORD,

Sierra Leone, 20th March, 1837.

WE have the honour to acquaint your Lordship that His Majesty's brigantine "Bonetta," Lieutenant Deschamps Commander, detained off the Bonny River, on the 20th January last, the Portuguese brigantine "*Temerario*," for having on board 349 slaves, who had been just previously shipped in that river.

The "*Temerario*" arrived here on the 22d ultimo, when the usual proceedings

CLASS A.

were instituted against her in the British and Portuguese Mixed Commission, and on the 1st instant a Decree was made condemning this vessel, and emancipating the 236 survivors of her cargo of slaves.

In our Report of this Case, herewith transmitted, your Lordship will observe, that the violent conduct of the negroes during the passage of the vessel hither led the Prize Officer to adopt some very strong measures towards them, and which he was of opinion was absolutely necessary for the preservation of the vessel and those on board of her.

At the time of adjudication of the Case, we had only before us upon this subject the Report of the Surgeon to the Courts, as to the condition in which he found the negroes on their arrival here, and the Prize Officer's own statements in explanation. Subsequently thereto the capturing ship came into port, when her commander handed to us his own declaration as to the unruliness and violence of these negroes at the moment of capture, and the joint declaration of the Master and Carpenter of the detained vessel as to their bad conduct during the voyage here, both of which Documents we allowed to be filed with the other Papers in the Case, and which we have given at length in our Report for your Lordship's information.

The "*Temerario*" appears to be one of the many Spanish vessels which have resorted to the Cape Verdes to change their nationality since the operation of the Treaty with Spain of June 1835; in completing which arrangement the assistance of Joao Claudio de Lima, of St. Jago, was given, he having come forward as owner in this instance, as he had done in the case of a vessel named the "*Esperança*," condemned on the 22d of last October.

This vessel would seem to have belonged, like the "*Paquete de Cabo Verde*," to the well known Slave Trading firm of Pedro Martinez and Company, of Havana, as we think will appear by the Sub-Enclosure C, in our Dispatch to your Lordship of the 17th October 1835, printed in the Parliamentary Papers relating to the Slave Trade for 1836, Class A, page 76.

In the Havana lists it is stated that this vessel completed one slaving voyage on the 7th July 1834, and commenced another in the following month of that year; subsequent to which we could find no positive account of her proceedings until her late detention.

We have, &c.

(Signed)

H. D. CAMPBELL.

The Right Hon. Viscount Palmerston, G.C.B.

WALTER W. LEWIS.

&c.

&c.

&c.

Enclosure in No. 36.

Report of the case of the Portuguese brigantine "Temerario," Camillo Urbano da Fonceca, Master.

THE ship's Papers, 3 in number, were procured in December 1836, at Porto Praya, Cape de Verdes.

The first is a passport granted and signed by Domingos Correa Arouca, the Governor of those Islands, wherein the vessel is declared to be bound to Africa and St. Thomas's, and specially prohibited from engaging in the Slave Trade; Joao Jozé Claudio de Lima is mentioned as the Owner.

The second a list of crew; and the third a clearance of the cargo embarked on board the "*Temerario*."

The "*Temerario*" proceeded from the Cape de Verdes to the river Bonny, where slaves were purchased from the natives, intended for ultimate disposal at the Island of Porto Rico. His Majesty's brigantine "*Bonetta*" captured her off that river, on the 20th January 1837, with a cargo of 352 negroes; after which the captor sent his prize here for trial.

The arrival of the "*Temerario*" was reported by the Marshall on the 22d February, when also the Surgeon made his usual medical inspection on the condition of the slaves. The report of the Surgeon, containing serious statements as to the treatment of the negroes during their passage hither, we have deemed it right to transcribe the whole of that document; as the statements alluded to led to investigation, and ultimate explanation.

Mr. Fergusson reported, "That this vessel had 358 slaves on board when captured, 98 of whom have since died of dysentery. The Prize Officer also reports that, on two several occasions, on inspecting the slaves in the morning, one was found dead, suspended by a piece of rope from the hatchway; it is conjectured that these acts were perpetrated by some of the slaves; it is also stated of two other men, who were found dead, that certain suspicious marks were observed on their necks, which rendered it probable that they had met with death by similar means.

"I separated and marked in the usual manner 51 cases for hospital treatment, namely, 44 of dysentery, 1 of ophthalmia, and 6 of ulcers; it was stated to me by the Prize Officer, in explanation of the circumstance of two of the slaves having their backs extensively ulcerated and lacerated, as if from flogging, that on the 15th February current, a mutiny broke out among these slaves, in consequence of which he confined 40 of the men in irons, namely, 24 confined by the legs, 2 and 2, and 16 by both legs and arms, 2 and 2; and that on the following day he flogged these 40 men, and that the 2 leaders of the mutiny were punished more severely than the others, they were, in fact, the persons

with the lacerated backs. In explanation of 3 cases of extensive ulcer on the wrist, it was likewise stated that these were produced by ropes, which it was found necessary to tie round the arms of those who were mutinous: it becomes me to state that, in my opinion, such ulcers could only have been produced by an undue degree of severity.

"The general aspect of the remainder of these slaves is pretty good, but the dimensions of the vessel are so very inadequate for their accommodation, that I respectfully recommend that they be all landed as soon as possible."

The above recommendation was carried into effect on the 22d February; a petition from the captors, having this object in view, having been granted by the Court.

The affidavit of seizure, with the vessel's Papers, and captor's declaration were filed on the same day when the motion went forth, and the evidence was ordered to be taken.

Lientenant Henry P. Deschamps avers in his declaration, that capture took place on the 20th January 1837, in or about latitude 4° 24' north, and longitude 7° 8' east; that the detained vessel was then bound from the River Bonny to the Island of Porto Rico; and that there were on board 352 negroes, said to have been shipped in that river the day previous to detention.

The two witnesses, Camillo Urbano da Fonseca, the Master, and the carpenter, Gabriel Lorenzo, underwent examination on the 25th ultimo.

The Master's evidence was as follows:—"He was born at St. Jago, Cape Verdes, and lives there; has never served any state but Portugal. He was appointed to the command by the owner, João Jozé Claudio de Lima, a Portuguese merchant and subject, residing at St. Jago; possession was given to witness by the said De Lima at that place in November last; first saw the vessel there and then; does not know where she was built. Was present when the vessel was captured for having slaves on board; had no colours but Portuguese. The vessel is called '*Temerario*,' knows of no other name; is 140 tons burthen, and had 31 Officers and Mariners, exclusive of witness; the First Mate was a Portuguese, the Second Mate and Boatswain were Genoese, and the Mariners were Portuguese, Brazilians, and Spaniards, all shipped and hired by witness at St. Jago in November last. Neither he, nor any of the Officers or Mariners had any interest in the vessel or cargo; was Master on board; there were 8 Portuguese and Spanish seamen on board at the time of capture, whom witness had taken on board in the Bonny in January for a passage to Porto Rico; they had none of them any interest or authority on board in regard to either the vessel or cargo. The last clearing port was St. Jago, Cape Verdes, and the voyage began there and was to have ended at Porto Rico; from St. Jago the vessel proceeded direct to the Bonny, where her slaves were purchased from the natives. First saw the capturing vessel the day after her boats had seized the '*Temerario*,' capture took place within the Bonny bar, on the 20th January ultimo; the vessel was steering for Porto Rico at the time, but it was a calm; the vessel's Papers were for St. Thomas's and the Bonny. Joao Jozé Claudio de Lima is the sole Owner of the vessel, knows it from having been put in charge of that vessel; De Lima is a Portuguese by birth, and believes he lived formerly at Lisbon; his wife and family reside at St. Jago, Cape Verdes. Knows nothing of any Bill of Sale, or the price of the vessel, or whether the same be paid; believes the vessel, if restored, will belong to De Lima, and to him only; knows of no private agreement. The Lader of the slaves was Jozé Ferreira; the supercargo, a Portuguese resident of Tras dos (los) Montes, in Portugal; does not know who was the Consignee; the Owners are Claudio de Lima, before named, and the said Ferreira; the said slaves were to have been landed at Porto Rico, for the account and risk of De Lima and Ferreira; believes so from having been so informed by both De Lima and Ferreira. Knows nothing of the last voyage; the lading on the present voyage was tobacco, rum, and cloth; does not know where it was shipped; found it on board when he took possession; 352 slaves were shipped altogether, all from the shore; does not know their descriptions; none died before, but upwards of 100 have died since capture; was taken direct to Sierra Leone after seizure. The papers delivered up were and are all true and fair. No papers have been destroyed, or concealed, or made away with. She was under the management of the Super cargo Ferreira, in regard to her trade."

The evidence of the second witness, although mainly corroborative of the Master's, was more limited in the facts which regarded the vessel and her employment. Of the Owner's name, and of the Supercargo Ferreira, he said he knew nothing.

On the 27th ultimo an affidavit of the Prize Officer, Mr. V. G. Roberts, was brought in to account for the number of deaths, which had occurred among the negroes of this vessel during the time he had had charge of her, and which appeared to have been 110. In this affidavit there were some explanations offered respecting the conduct of the slaves, and their treatment during the passage hither, all of which are hereunder given: "The deponent further saith, that during the passage to this port, namely, on the 15th day of February instant, he was informed by one of the slaves, who spoke a little English, that the male slaves were concerting together for the purpose of taking the vessel from deponent, and the said slaves being on the same day very unruly and turbulent in their conduct, it confirmed, in deponent's opinion, their intention of attempting to do so. And having further discovered that some knives had been secreted by them among the firewood of the vessel, which was stowed below, he deemed it advisable, for the safety of the vessel, and of himself and crew, to flog about 20 of the said slaves, and about 40 others were ordered by him to be immediately placed in irons, and shackled to the chain cable on deck, where they were kept during the remainder of the passage; and that two of the said slaves, who appeared upon inquiry to have been the ring-leaders, were punished more severely than the others, in order to deter them from a similar attempt; and the deponent has been informed by one of the other slaves, that one of the said ringleaders was a notorious bad character before he was shipped from the Bonny. And the deponent further saith, that the said slaves were very troublesome from the moment deponent had charge of the vessel, and frequent complaints have been brought to him of attempts having been made to strangle one another when down below, and that upon two occasions, deponent found 2 male slaves hanging by a rope to the main hatchway, quite dead; and he verily believes that the death of the said 2 slaves was not caused by their own act, but by the other male slaves on board. And the deponent further saith, that none of the slaves have died from or in consequence of the punishment so inflicted upon them, nor have any died of the number who were placed in irons; that the whole of the slaves appeared to this deponent to have died from dysentery, save and except the 2 that were found dead, hanging to the main hatchway; and deponent further saith, that every care and attention on the part of himself and crew was afforded to the sick slaves, and that the death of the said slaves did not ensue through the neglect of this deponent, or any of his said crew. And the deponent lastly saith, that every circumstance connected with this

affair has been duly entered in his Log-Book; that his prize-crew consisted of 9 persons, exclusive of himself; that there were 4 foreigners also on board, belonging to the detained vessel, and that if he had not adopted the course which he did, the deponent is decidedly of opinion that the said vessel would never have arrived here in safety."

Allusion having been made in the foregoing affidavit to the Prize-Officer's Log, we called for authenticated extracts of the parts referred to, which were furnished, and are as follows:—

"15th February, 1837.—Found dead 4 male slaves. In consequence of the men having made an attempt to seize the vessel, placed several of them in irons, and secured them to the chain cable on deck.

"16th February, 1837.—Punished 21 of the male slaves with 40 lashes each, for making an attempt to seize the vessel, and secreting knives for the purpose of murdering the crew. Died one female slave (girl)."

The Prize-Officer's explanation being somewhat at variance with Mr. Surgeon Fergusson's Report, we considered it due to that Officer to allow him the perusal of them, when he authenticated on oath the Report in question, and addressed the Letter hereunder quoted to the Court:—

"With reference to my Report of the 22d February ultimo, in the case of the Portuguese vessel '*Temerario*,' and its authentication on oath, to the best of my belief, on the 1st March current, I beg leave to state that, on a reperusal of my notes taken when on board of that vessel, I do not find the statement in the Report, that the 40 mutinous men were all ironed and flogged, borne out by the memorandum made in relation to that point, though it is distinctly noted down that 16 of that number were double-ironed and flogged next day.

"My impression was, and still is, that the statement as made in the Report was, in substance, identical with the information given me by the Prize-Officer; but I consider it, under the circumstances, an act of justice in a matter of so grave a nature, to hold myself as having been under a misapprehension in regard to the number of persons stated to have been punished; it is my duty, however, at the same time to say, that my remarks on the condition of the slaves were dictated by feelings as lenient as I could conscientiously justify myself in entertaining."

Publication passed in the case on the 27th ultimo; and on the 1st instant the Marshall returned the monition, certifying that it had been duly served.

On the same day the Court sat for the trial of the "*Temerario*," and, after hearing the evidence read, pronounced a sentence of condemnation upon the said vessel, and emancipation in favour of the surviving slaves, in number 236.

The Court at the same time remarked upon the statements which were before it, respecting the treatment of the negroes of this vessel during their passage to this Colony, and expressed its regret that the Prize-Officer had not considered the subject to be of sufficient importance to have called for further testimony than his own. As, however, after the adjudication of the case, additional information was offered to us upon the subject in question, it will not be necessary to state our observations upon the limited explanations we had then before us, but merely to give Copies of the Documents we received on the 20th instant, and which we were induced to allow to be filed after the case had terminated, that the Prize-Officer's proceedings towards the turbulent cargo of negroes whom he had had under his charge in this vessel might be placed in a proper light.

The additional testimony received was furnished by the Commander of the capturing vessel, who only arrived here after the trial of the "*Temerario*," and consisted of his own Declaration of the state of the negroes at the time of seizure, and the Declaration of the late Master and Carpenter of the condemned vessel as to their conduct during their passage hither; and which Documents are here transcribed at length.

"I, Henry P. Deschamps, Lieutenant of the Royal Navy, and Commander of His Majesty's brig '*Bonetta*,' having been informed that Mr. V. G. Roberts, Master's Assistant of the said vessel, had been thought to have been too severe with the slaves on board the '*Temerario*,' Portuguese brigantine, detained by the '*Bonetta*,' and sent to Sierra Leone for adjudication, of which vessel he had charge, do hereby declare that, on my going on board the '*Temerario*,' after capture, to count the slaves, I had the greatest possible trouble in getting the men to go below; that they were quarrelling amongst themselves, and endeavouring to strangle one another; and that they paid not the slightest attention to what was said to them; and, upon my questioning the Supercargo as to the reason of such conduct, he said he had purchased any slaves he could procure; that many of them were noted bad characters, but that he had shipped them in haste, so as to be able to sail before the return of His Majesty's sloop '*Scout*' or '*Bonetta*;' that he had taken 6 extra hands, for the better security of himself and vessel; and advised me to send an experienced Officer, and as many men as could be spared. I do further declare that, in the evening, after having dispatched the boats of the '*Bonny*,' I went to assist Mr. Roberts in getting the '*Temerario*' under weigh, when I found the slaves in a most mutinous state; and, finding that they would not remain below, I sent for her Carpenter to fit the iron gratings for the men's slave room, while doing which they made every possible exertion to prevent its completion, and it required all hands to keep them down; they broke the partition of the fore peak, drove the boys on deck, and endeavoured to force themselves up also, many Beebees trying to strangle the Eboes chained to them, knocking their irons off, and beating one another with billets of firewood, shouting and yelling all the time. During the same afternoon one man was tied to the rigging for unmercifully beating another, and whilst in this position he bit the top of a finger nearly off one of the Kroomen belonging to the '*Bonetta*' (Jem George), who was passing by him. After having, with great difficulty, secured the men's slave-room, I explained to them, through an interpreter (a Bonny boy), that, if well behaved, they would have every kindness shown to them; but if they continued so riotous, they must be punished; and the vessel being under weigh, I left her. It was my intention, if I could have spared them, to have sent 4 more hands up with Mr. Roberts; but the '*Bonetta*' was at this time so short of men, after dispatching the boats as aforesaid, that it was impracticable to do so. I, however, sent on board the Portuguese Carpenter to assist and act as an interpreter. I do further declare that, in 8 years' experience in Africa, I never saw so bad a set of slaves. I have always found Mr. Roberts a most humane young man, and a most efficient and attentive Officer; and I do most decidedly think, but for his constant vigilance and determined conduct, the slaves would have risen; and, if they had got the upper hand, they would have undoubtedly murdered all the prize-crew."

"We, the undersigned Camillo Urbano da Fonseca, late Master of the Portuguese brigantine '*Temerario*,' detained by His Majesty's brig '*Bonetta*,' and Gabriel Lourenço, Carpenter of the said

brigantine, do hereby declare that we were brought to this port in the said brigantine, after capture, to be produced as witnesses in the cause; that on the passage to this port, and on or about the 15th day of February last, Mr. Roberts, the English Prize-Officer, was informed in our presence by one of the slaves, named Bob Jones, that the male slaves were concerting together for the purpose of taking the vessel from him, and previously to this communication having been made, we ourselves had heard the slaves in the hold making very unusual noises and shouting loudly; that upon our going near the hatchway to ascertain what they were doing, and to endeavour to get them to desist, the shout was again continued in a more boisterous manner, and one of the ringleaders made a sign to us with his hand across his neck, and cried out, 'Kick-a-ree-boo,' meaning that he intended to kill some one. We further declare that some knives were subsequently discovered by Mr. Roberts, which had been secreted by the slaves among the firewood stowed below; that after due consideration Mr. Roberts was convinced the intention of the slaves was to make an attempt to get the vessel out of his possession, in which we fully agreed with him, and he therefore at once determined to quell this feeling among them, and about 20 of the slaves were ordered by him to be flogged, and about 40 were placed in irons and shackled to the chain cable on deck, where they were kept until their arrival in port. We further declare that, if Mr. Roberts had not adopted this course, it is our firm belief we should not have arrived here in safety, and that our lives and the lives of those on board would have been entirely at the mercy of the slaves; that the said slaves were extremely savage and unruly during the whole of the passage, and had shown symptoms of mutinous conduct from the first, and that frequent attempts had been made by them to strangle one another; and on two occasions two of the said slaves were found hanging by a rope to the main hatchway quite dead; and we believe that the death of the said two slaves was not caused by themselves, but by the other male slaves on board. And we do further declare that every necessary attention was paid by Mr. Roberts and his prize-crew to the slaves, and the deaths among them did not ensue through any neglect or ill treatment on his part, or any of his said crew."

Upon these late explanations we did not consider it necessary to give any opinion, as the case had been finally adjudged, and we therefore refrained from so doing.

Sierra Leone, 20th March, 1837.

(Signed)

H. D. CAMPBELL.
WALTER W. LEWIS.

No. 37.

His Majesty's Commissioners to Viscount Palmerston.—(Received July 5.)

MY LORD,

Sierra Leone, 23d March, 1837.

THE receipt of your Lordship's Dispatch of the 27th January last, covering the Translation of a Decree, issued at Lisbon on the 10th December 1836, for the Abolition of the Slave Trade throughout the Portuguese Dominions, we beg leave to acknowledge, and to express our satisfaction that Portugal has been at length induced to make this concession to the claims of humanity, which had been so long and so justly hitherto demanded of her in vain.

To perfect this measure so tardily begun, it is essential that the Treaty between Great Britain and Portugal should be extended in the true spirit of the Decree in question, by which means the slave marts on this coast, now swarming with vessels under the Portuguese flag, might be partially cleared, for a time at least, of the means of conveying the African from his home and friends.

We have, &c.

(Signed)

The Right Hon. Viscount Palmerston, G.C.B.
&c.

H. D. CAMPBELL.
WALTER W. LEWIS.

No. 38.

His Majesty's Commissioners to Viscount Palmerston.—(Received June 15.)

MY LORD,

Sierra Leone, 30th March, 1837.

HIS Majesty's sloop "Columbine," on the 10th ultimo, whilst cruising in the Bight of Benin, fell in with and detained the Portuguese schooner "*Josephina*," having on board 350 slaves, shipped a few days previously at Lagos, and bound for the Havana market.

The detained vessel reached this port on the 8th instant, when a prosecution was instituted against her in the British and Portuguese Mixed Commission Court, which ended on the 17th instant in the condemnation of the schooner and cargo, and the emancipation of the slaves, then amounting in number to 346.

This vessel, your Lordship will observe by the endorsements on her Passport, and which have been described in our Report of the Case, which we have the honour of enclosing herein, was employed in trading from and to Bahia, from March 1833, until the voyage before that in which she was detained, when the schooner took a cargo of Africans to Havana, where she arrived on the 24th December 1835, as appears by the Returns of His Majesty's Commissioners at that place.

The Master of this vessel, who declared himself to be a Sardinian, swore that he bought her from the agent of the Owner, José Mazzora, of Havana, who executed a Bill of Sale in his favour, which Paper he by accident left in his lodgings in that city, and that the fact of his Ownership was endorsed on the Passport. Such, however, was not the case; the endorsement alluded to merely expressed that Mazzora had appointed him to the office of *Master* of the said vessel.

The slaves were stated by the Master to be owned by Eustaquio da Silva e Porte, a Portuguese merchant living at Lagos, who had, he said, made a verbal agreement with him to pay 100 dollars passage-money for every slave delivered alive in Cuba. But little credence, however, can attach to this man's assertions, after his denying the authority of the Ship's Papers as to the Ownership of the vessel.

We have, &c.

(Signed)

H. D. CAMPBELL.

The Right Hon. Viscount Palmerston, G.C.B.

WALTER W. LEWIS.

&c.

&c.

&c.

Enclosure in No. 38.

Report of the Case of the Portuguese Schooner "Josephina," Miguel Angel Montano, Master.

THIS vessel, in a voyage from Havana to Lagos, and thence back to Havana, was captured in the Bight of Benin on the 10th February, 1837, by His Majesty's sloop "Columbine," Commander Henderson, for having on board a cargo of slaves, and by that Officer despatched to this Colony for trial, where she arrived on the night of the 8th of the following month.

The only Official Papers found on board of this schooner were a Passport and Muster-roll; the former of which Documents was issued by the Portuguese Minister of Marine at Lisbon, on the 26th May, 1832, for a voyage to St. Jago, Cape Verde Islands, and the ports in Brazil. This Passport bears the following official endorsements:—

Bahia, 23d March, 1833.—For a voyage to Havana, calling on the Coast of Africa, and at St. Thomas and Princes Islands, if desired.

Bahia, 22d October, 1833.—No destination assigned.

Bahia, 15th April, 1835.—For a voyage to Cadiz and Havana.

Havana, 16th March, 1836.—American Consul's Certificate of a change of Masters by the authority of José Mazzora, agent of Manuel dos Santos, the alleged Owner.

The Muster-roll was prepared by the Master, and certified by the American Consul, in the absence of a representative of Portugal.

There was also found on board a Log-book, commencing on the 6th February, and ending 4 days subsequently thereto, at which time she was seized, as previously mentioned.

Immediately the detained vessel reached this port, the Marshal and Surgeon to the Courts made their official visits on board, and reported the result of their inspection in the usual form. From the Surgeon's Report we had the pleasure of learning that there was very little disease amongst the slaves of this vessel, 6 cases only of dysentery and 45 of itch having been marked for hospital treatment, and the remainder of these people being uncommonly healthy. The size of the vessel was so disproportionate to the number of slaves on board, that their immediate disembarkation was considered by the Surgeon necessary. As soon, therefore, as the vessel had been duly brought before the Court, we caused the Surgeon's recommendation to be carried into effect, the Colonial Government, in the mean time, having consented to receive these people.

On the 10th instant the Ship's Papers, properly authenticated, were lodged in Court, together with the Declaration of the Captor; on which date the Monition was sent forth, and the witnesses produced for examination.

The Declaration of the Captor was to the effect, that on the 10th ultimo, when in 5° 39' north latitude, and 2° 45' east longitude, he detained the said schooner for having on board 350 slaves, who were, by the Master's statement, destined for Havana, and had been shipped a few days previously at Lagos.

On the 13th instant the witnesses produced were examined by the Registrar; they were the said Master, and Joaquim Mentiero, a seaman of the detained vessel.

The deposition of the Master was, that he was born at Genoa, "has no settled place of residence, considers, however, Genoa as his home, though he has not been there for the last 9 years; is serving at present under the Portuguese flag, but the King of Sardinia is his proper sovereign; is not married. The vessel is his own property, and he appointed himself to the command; received possession in Havana, in March, 1836, from José Mazzora, a merchant of Havana, and a Spanish subject, the agent of the former Owner; first saw the said vessel at Havana, in January or February, 1836; believes she is North American built. He was present when the vessel was captured for having slaves on board; had no colours but Portuguese. The vessel has never been called by any other name, to his knowledge, than 'Josephina'; is 120 tons burthen, and had a crew of 19 Officers and mariners, exclusive of himself, part Portuguese and part Spaniards; all shipped and hired by witness at Havana, in March, 1836. None of the Officers or mariners had any interest in either vessel or cargo; had none himself in the latter; was Master; there were 3 Spanish seamen on board, shipped at Adjudah for a passage to Havana; does not remember their names; they had none of them any interest or authority in regard to the vessel or cargo. The last clearing port was Havana, and the present voyage began and was to have ended there; from that place the vessel went direct to Lagos, where the cargo was landed, and thence proceeded to Cape Coast, where, after purchasing some cowries (80 quintals), the vessel went to Adjudah for the purpose of delivering some letters; declares he does not know who the persons are from whom he received those letters for Char-Char and Zangroni; thence returned to Lagos, where slaves were shipped. The capturing vessel was first seen on the 9th March, in 5° 39' north latitude, and 2° 45' east longitude; capture took place on the same day, about 2 hours after the chase commenced; witness's vessel was steering for Havana when pur-

sued; it was calm at the time, and the seizure was effected by means of the boats of the man-of-war. The Vessel's Papers were for Lagos and Princes. There was no gun mounted, but only 10 muskets, and as many cutlasses for defence, and to keep the slaves in awe; there was no resistance made, or instructions given to avoid capture, or to conceal or destroy any of the Vessel's Papers. He is sole Owner of the vessel. There was a Bill of Sale from José Mazzora as agent, for the former Owner, whose name he does not recollect; but it is endorsed on the Passport by the American Consul at Havana; it was dated on the 27th February, and witnessed by Pasquel Pluma, a Spaniard, and Francisco Caldras, a Portuguese, both merchants of Havana; witness left the said Bill behind him (having forgotten it) at the house where he boarded at Havana; the price was 2,400 dollars paid in cash, and was a fair equivalent for the vessel, and, if restored, the vessel will belong to witness, and to no other person; there was no private agreement. The Owner of the slaves is one Don Eustaquio da Silva Porte, a Portuguese merchant residing at Lagos; believes he has lived there about 8 or 9 years, and that he formerly resided at Lisbon; witness was the Lader and Consignee of the slaves, who were to have been landed on the Coast of Havana on account and risk of Don Eustaquio, and, if restored, will belong to the said Eustaquio. He knows nothing about the last voyage; the cargo shipped at Havana in the present was rum and dry goods, the present cargo is slaves; 350 were shipped altogether from the shore, does not recollect their descriptions; none died before capture, 4 have died since; was taken direct to Sierra Leone after capture. The Passport and other Papers were and are all true and fair. No Papers were destroyed, concealed, or made away with. There are no other Papers besides those delivered up, and the Bill of Sale, in any place, to his knowledge. There was a written Charter-party between Ramon Font, a resident merchant of Havana, and witness, to take a cargo to Lagos; the freight was 1,800 dollars, and having expired on the cargo being landed, witness (the balance of the freight, 350 dollars, being paid by Don Eustaquio) delivered up the said Charter-party to that person, and entered into a verbal agreement with him to take the slaves found on board across to Havana, to receive 100 dollars for each surviving slave landed there. The vessel is not insured, cannot say whether the cargo is not; the vessel was under witness's sole management in regard to her trade."

The evidence of the seaman Mentiero confirmed that of the Master, as far as it went. He added, that he first saw this vessel about October, 1835, on the Gold Coast, when she ought, according to the endorsement on her Passport, to have been on her voyage from Bahia to Cadiz and Havana. It may, therefore, be inferred that the last voyage of this vessel, which was to Havana, was with a cargo of slaves from Africa, as she is reported in the Havana Lists as having arrived on the 24th December, 1835, from this Coast.

The Case for the prosecution closed, with the filing of the Prize-Officer's Affidavits of the deaths which had occurred among the slaves of this vessel during their passage hither, and by which it appeared a mortality of only 4 had taken place.

Publication passed in this Case on the 16th instant, and the Monition, which was issued on the 10th, was returned into Court on the 17th following, certified to have been duly served.

The Court assembled on the 17th instant for the adjudication of this Case, when a sentence was recorded of condemnation of the vessel and her cargo to the Governments of Great Britain and Portugal, and emancipation of the surviving 346 slaves.

Sierra Leone, 30th March, 1837.

(Signed)

H. D. CAMPBELL.
WALTER W. LEWIS.

No. 39.

His Majesty's Commissioners to Viscount Palmerston.—(Received June 15.)

MY LORD,

Sierra Leone 30th March, 1837.

IN this Despatch, enclosing our Report of the Case of the Portuguese schooner "*Latona*," we have again to bring under your Lordship's notice a fresh instance of a vessel obtaining a set of Official Papers from the Government of Princes and St. Thomas's, in exchange for those under which she had come to the Coast from Bahia, in a similar manner to that reported of the Portuguese brig "*Esperança*" on the 25th October last. Provided with the papers alluded to, the "*Latona*" appears to have lost no time in getting back to Whydah, where she shortly afterwards embarked a cargo of 325 Africans, with whom she was proceeding to Havana, when His Majesty's sloop "*Columbine*" detained her off Whydah on the 4th ultimo. On her arrival at Sierra Leone the usual prosecution was instituted, and terminated on the 17th instant in the condemnation of the vessel.

The names of two well known persons engaged in slave-adventures, De Lowsa, *akas* Char Char, of Whydah, and Zangroni, appear in the transactions connected with the employment of this vessel. The evidence given by the Master, De Carvalho, explains in what way these two individuals were concerned at various times in the affairs of the "*Latona*." The notoriety of De Lowsa, as one of the most active slave-dealers on this Coast, requires no comment. The name of Zangroni is mentioned in the Case of the "*Mosca*," condemned on the 7th September, 1836, as Owner of that vessel, which, like the "*Latona*," had sailed from Bahia on a Slave Trading voyage. In Mr. Ouseley's Report on the subject of the Slave Trade at Bahia, enclosed to your Lordship by His Majesty's Minister at Rio de Janeiro, in a Despatch dated the 10th November, 1835, the particular nature of Zangroni's business is thus described. On mentioning the destination of slave-

vessels, fitted out at Bahia, on their homeward voyages, Mr. Ouseley says, that "if, for Cuba, to which Island (the '*Mosca*' and this vessel were thither bound) the greater number of vessels under Foreign colours go, they are nearly all consigned to '*Zangroni*,' a noted slave-dealer at the Havana. Zangroni's bills on London are well known in many mercantile places, and are readily negotiated at Bahia, &c."

The "*Latona*" formerly bore the name of the "*Maria de Gloria*," and her last Owner is said to have been Joao Antonio Chaves, a Portuguese resident merchant of Bahia.

The "*Latona*" and "*Josephina*," previously reported under this date, were both prizes to His Majesty's sloop "*Columbine*;" were seized within a week of each other in the Bight of Benin; and were both belonging to the port of Bahia.

We have, &c.

(Signed)
The Right Hon. Viscount Palmerston, G.C.B.
&c.

H. D. CAMPBELL.
WALTER W. LEWIS.

Enclosure in No. 39.

Report of the Case of the Portuguese Schooner "Latona," José Gervasio de Carvalho, Master.

THE Portuguese schooner "*Latona*" was furnished with the Ship's Papers for the recent voyage by the Provisional Government of Princes and St. Thomas's Islands. These Documents are three in number, and of the following description:

1. Passport, signed by the Provisional Junta, and dated at Princes, the 15th December, 1836. The Owner is stated to be a resident of Bahia, Joao Antonio Chaves. The West Indies, with permission to visit the ports of the African Continent, is the destination pointed out for the vessel.

2. A List of crew, dated the 17th December, 1836.

3. Fort Pass, dated the 9th December, 1836.

After this stage of the voyage, the "*Latona*" directed her course to Whydah, where the notorious, "*Zangroni*" completed the shipment of the cargo of slaves. On the following day, the 4th February, 1837, His Majesty's sloop *Columbine* fell in with this schooner off Whydah, and captured her with 325 negroes on board.

The detained vessel arrived here on the 9th instant, and was then visited by the Marshal and Surgeon to the Courts, whose respective reports as to the facts of seizure, and the health of the slaves, were received on the same day. The Surgeon's report was very favourable. Of the 325 slaves originally captured, but 4 deaths had taken place on the passage up, one of which was accidental, being caused by drowning; only 12 were marked for medical treatment; and the remainder of them bore "a very healthy appearance." But from a statement of the Prize-Officer, that 2 convalescent slaves had, in his opinion, been afflicted with the small-pox, the identity of which disease, however, could not then be clearly ascertained by the medical officer, his recommendation for their immediate landing was accompanied with the suggestion of the propriety, by way of precaution, of preventing all present communication with the slaves of this vessel. This was accomplished by placing them at the Kissy lazaretto, which was set apart for their use; and in this way was avoided the risk of the extension of the contagion, should the doubts as to the existence of the small-pox prove correct. Happily, however, it was found, after some time, that they had not that disease amongst them; and shortly after their emancipation they were taken from quarantine.

The prosecution commenced on the 10th instant. The Papers and Declaration were then filed, and the order for the issue of the Monition, and the evidence to be taken, was made by the Court.

The substance of Commander Henderson's Declaration is, that capture took place on the 4th ultimo, in latitude 5° 34' north, and longitude 2° 28' east; that the detained vessel was under Portuguese colours, and bound from Whydah to Havana; and that there were 325 slaves on board, said to have been embarked the day previous at Whydah.

The Master, José Gervasio de Carvalho, and the Boatswain, Manoel Estramadura, were the witnesses in preparatory. The Registrar severally examined them on the 13th instant.

The first deposed, that "he was born at Ville de Conde, near Oporto; has lived at Bahia for the last 12 or 14 years, but has never served any State but Portugal; was appointed to the command by Joao Antonio Chaves, a resident merchant at Bahia, and a Portuguese subject; possession was given to witness by the said Chaves in October 1835, at Bahia; first saw the said vessel there about 3 years ago; she was built in North America. Was present when the vessel was captured for having slaves; had no colours but Portuguese. The vessel is called '*Latona*' she was formerly called '*Maria de Gloria*;' is 126 tons burthen, and has 17 Officers and mariners, exclusive of Master, some Portuguese, some Spaniards, all hired and shipped by witness, part at Bahia in October 1835, and the others at Princes Island in December 1836, and at Adjudah in January last, to replace some of the crew who had died. Neither he nor any other of the Officers or mariners had any interest in either the vessel or cargo; was Master on board; there was 1 passenger, a Spanish seaman, whose name witness is not acquainted with; he was taken on board at Adjudah, for a passage to Havana, and had no interest or authority in regard to vessel or cargo. The last clearing port was Princes Island; the present voyage began at Bahia, and was to have ended at Havana; from Bahia the vessel went to Adjudah, where she arrived in December 1835, and where she remained 4 months waiting for her cargo, and then went to Badagry and Porto Nova, with tobacco and other goods shipped by Char Char, and returned to Adjudah in July, where she remained till October, and then proceeded to Princes to get another Passport, the one from Bahia being for that place, and having become old; from Princes again returned to Adjudah, where she arrived in December last, and remained there until the cargo of slaves was shipped. The capturing vessel was first seen about 9 leagues from Adjudah, on the 4th February, and capture took place there; and then the weather being calm, the boats of the man-of-war seized the '*Latona*;' witness was steering for Havana at the time of capture. No resistance was made,

there were no instructions to make any, or to avoid capture, or for concealing or destroying any of the Vessel's Papers. Joao Antonio Chaves is the Owner of the vessel; knows it because he has seen it in the Bill of Sale; Chaves is a Portuguese by birth, and resided in Portugal before he lived at Bahia. The Bill of Sale is in the possession of the said Chaves, at Bahia; does not know the date, or the names of the witnesses to the said Document; does not know the price of the vessel; has heard it was paid, but cannot tell in what description of money; believes the sale was a true one, and that the vessel will belong to no one but Chaves if restored; knows of no private agreement. The Owner and lader of the slaves is Joao José Zangroni, merchant of Havana, but at present trading on the Coast; does not know what countryman Zangroni is, or where he resided before he lived at Havana; witness is himself the Consignee of the said slaves, who were to have been landed on the south side of Havana on account and risk of Zangroni, and they will belong to him, and no other person, if restored; knows it, because Zangroni freighted the vessel. The lading brought from Bahia was cloth, aguardiente, and tobacco; the present cargo is slaves; 325 were shipped altogether, all from the shore; does not remember their descriptions, none died before capture, some, but he does not know how many, have died since; was taken direct to Sierra Leone after capture. The Papers were and are all true and fair. No Papers were destroyed, concealed, or made away with. Does not know if the vessel or cargo be insured; the vessel was under the direction of Zangroni, who is the correspondent of Chaves in regard to her trade, and witness corresponds with these 2 persons. Bulk was broken at Adjudah."

No new matter could be elicited from the second witness, whose evidence was very limited, from his having been only engaged at Whydah a short time before the embarkation of the slaves.

The Prize-Officer's Affidavit as to the extent of the mortality amongst the slaves, since capture to the present period, showed that only 4 deaths had occurred, a number unusually small.

The publication of the Case, as above detailed, was granted on the 16th instant; and on the day after, the Monition having then become due, the Court proceeded to the trial of the "*Latona*." The charge of illegal slave-trading being fully confirmed by evidence, a sentence of condemnation was passed upon the Portuguese schooner "*Latona*," as joint prize to the Crowns of Great Britain and Portugal, and the surviving 320 slaves, by a similar Decree, received the benefits of emancipation.

Sierra Leone, 30th March, 1837.

(Signed)

H. D. CAMPBELL.
WALTER W. LEWIS.

No 40.

His Majesty's Commissioners to Viscount Palmerston.—(Received June 15.)

MY LORD,

Sierra Leone, 6th April, 1837.

IN our Despatch of the 4th ultimo, we had the honour of communicating to your Lordship the condemnation of the Portuguese slave-brig "*Paquete de Cabo Verde*," which vessel was sold by Public Auction on the 11th ultimo, and there bought by Mr. John Dean Lake, a merchant of this place, and formerly a practitioner in the Mixed Courts.

To-day the said vessel left this port under Spanish colours, and we found, on inquiry at the Custom-house, that she had cleared out under her old name for Havana with a crew of 18 men, and not having any cargo on board.

The Master and alleged Owner of this vessel is the notorious Miguel Bertinote, *alias* Manoel de Barros, the agent as well on this as on a former occasion of Pedro Blanco, the Spanish slave-dealer of the Galinas, and respecting his connexion with whom we laid before your Lordship a particular account, in our Despatch of the 7th December of last year, on the subject of the confiscation of the Portuguese brigantine "*Vigilante*."

The name of Mr. Lake appears in the abovementioned Despatch as one of the channels of communication with Rae and Hornell, on Bertinote purchasing the "*Vigilante*" from that firm.

We have not been enabled to learn positively whether the vessel passed direct from the hands of Mr. Lake into those of Miguel Bertinote, but it is the prevalent opinion here that no intermediate transfer took place.

We have, &c.

(Signed)
The Right Hon. Viscount Palmerston; G.C.B.
&c. &c. &c.

H. D. CAMPBELL.
WALTER W. LEWIS.

No. 41.

His Majesty's Commissioners to Viscount Palmerston.—(Received June 24.)

MY LORD,

Sierra Leone, 6th May 1837.

ENCLOSED in this communication is forwarded our Report of the Case of the Portuguese schooner "*Carlota*," captured by His Majesty's sloop "*Champion*" in the West Indies, on the 1st December 1836. The slaves forming the cargo of the "*Carlota*" were landed at Honduras, and the vessel itself, from her unseaworthy condition, was also left at that settlement.

CLASS A.

I

A Prize Officer, with the witnesses and documentary evidence in the Case, arrived in this Colony in His Majesty's schooner "Pincher" on the 23d ultimo. The prosecution commenced immediately after this event, and terminated on the 2d instant by the condemnation of the "*Carlota*" in the British and Portuguese Mixed Court. The survivors of the 203 slaves remaining at Honduras were on the same occasion declared free.

It appeared from the evidence elicited from the witnesses, that the "*Carlota*" not only obtained her ship's Papers from the Provisional Government of Prince's and St. Thomas's, but was the property of a resident and native of the latter Island, Jozé Barboza é Paiva. From Prince's, in July last, the "*Carlota*" proceeded to Whydah, consigned to the notorious Zangroni, who bought and shipped the slaves for the vessel. The character of this slave trader has been fully described in our Despatch to your Lordship, of the 25th April last, to which we would beg to draw attention.

By the Log-book of the detained vessel, it appeared that, in addition to the name of "*Carlota*" she also bore that of "*Mosquito*."

We have, &c.

(Signed)
The Right Hon. Viscount Palmerston, G.C.B.
&c.

THOMAS COLE.
WALTER W. LEWIS.

Enclosure in No. 41.

Report of the Case of the Portuguese schooner, "Carlota," alias "Mosquito," Miguel Paulo, Master.

THIS Portuguese slave-vessel received her official ship's Papers from the Government of Prince's Island in the month of July of last year. These consist of:—

1. Port-pass.
2. Passport.
3. Muster-roll.

All of the above Papers declare the "*Carlota*" to have been bound thence on a lawful trading voyage to the Island of Cuba, with permission to visit the ports of the African continent. There are also other Documents, which were found on board at the time of seizure, of a more private nature, but still closely connected with the transactions of the voyage. Amongst them is a Log-book; a List of slaves purchased and shipped at Whydah, with the names of the sellers, and also of the Consignee, the notorious Zangroni; and a bundle of Notes, principally addressed by Zangroni to the Master, whilst the vessel was laying at Whydah.

After having completed a shipment of slaves at Whydah, through the medium of Zangroni, this vessel successfully eluded the vigilance of the cruizers on the African station, and had nearly reached her homeward destination, the Island of Cuba, when she was seized, whilst thus transgressing the laws of Portugal, by His Majesty's sloop "Champion," Commander Fair. Such was the bad condition of the prize that the Captor was necessitated to carry her direct to Honduras, where the slaves were landed and placed in the custody of the Acting Superintendent, and the vessel itself left, from being in a state of unseaworthiness, and quite unequal to performing a second voyage across the Atlantic.

The Report of a Survey, held upon the condition of this vessel by direction of the Acting Superintendent at Honduras on the 12th December, 1836, fully bears out the Captor's opinion as to the unseaworthiness of his prize. The Surveyors state, that "the deck is in a deplorable state, having been patched in a great many places, and some holes filled up with pitch only, no doubt to prevent the water from running down into the vessel's hold.

"The stern frame and transom completely rotten and in a very bad condition, and many of the wooden ends have started.

"The bowsprit and bits completely unfit for use, and the knight heads rotten and not to be depended upon.

"The fore-mast sprung about 2 feet above the deck. The pump on the starboard-side unfit for use; the pump on the larboard-side very little better.

"The anchors and chains (cables) are completely worn out and not trustworthy, and, even if good, are not calculated for a vessel of her size.

"The sails and rigging are in a deplorable state; the former apparently very old and much torn, the latter entirely rotten and not to be depended upon.

"The top-sides are in a complete state of decay, and especially under her quarters. She has been much patched with small pieces of plank, is in a very leaky state, and we consider her a complete wreck and quite unfit to go to sea.

"In short, we are of opinion it would be risking the lives of the crew to send the said schooner "*Carlota*" to sea, even on a short voyage, far less to Sierra Leone, for adjudication; and we recommend her to be sold, or otherwise disposed of, for the benefit of all concerned.

"Given under our hands and seals, at Belize, Honduras, this 12th day of December, 1836.

(Signed)

JAMES MACDONALD, Merchant.

JOHN HUNTER, Master-Mariner.

GEORGE LE GEYT, Master-Builder."

A Prize Officer, with the witnesses in the Case and the Papers before mentioned, arrived at this place on the 23d ultimo in His Majesty's schooner "Pincher," direct from the West Indies. On the following day the Papers were filed in Court, and the usual steps taken for prosecuting the "*Carlota*," under the sanction of the Mixed Court. The Motion then issued, citing all interested parties to appear in support of their claims, if they had any to advance.

The Captor made two Declarations: the one, in full, setting forth the various circumstances of the seizure, and the other a supplementary one, assigning the reasons for disembarking the slaves at

Honduras. The first states that the capture took place on the 1st December, 1836, in latitude 15° 43' north, and longitude 78° 37' west; that the detained vessel was, at that time, bound from Whydah to Cuba; and that there were on board 203 slaves, said to have been embarked at Whydah. The second Declaration says, that Commander Fair was compelled, to land the slaves at Honduras on account of the "*Carlota's*" unseaworthiness, leaky state, imperfect equipment, and scarcity of provisions and water." To this Paper is attached an Affidavit of the Senior Lieutenant and Surgeon of His Majesty's sloop "*Champion*," attested before the Magistrates at Belize, confirmatory of its contents.

The Captor's Proctor likewise filed an Affidavit of the Prize Officer on the 23d ultimo, in verification of the fact of the slaves of the "*Carlota*" having been disembarked at Honduras, and received by the Government of that Colony. The Collector's Receipt for those slaves, 203 in number, was at the same time lodged in Court.

The Master, Miguel Paulo, and a passenger named Juan Parisien, were examined on the standing Interrogatories on the 26th ultimo.

The Master deposed that "he was born at Vicina, in Portugal, has no regular place of residence, being almost constantly at sea; has never served any State but Portugal. Was appointed to the command by the owner of the vessel '*Jozé Barboza Paiva*,' a Portuguese, and resident of St. Thomas', who gave him possession of the same there in June 1836; first saw the vessel there, and then; believes she was built in Baltimore. Was on board at the time of capture; the vessel was seized for having slaves on board; had no colours but Portuguese. Has never heard of any other name but '*Carlota*,' she was 80 tons burthen, and had 17 Officers and mariners, exclusive of witness, of different nations, Portuguese, Spaniards, Brazilians, Italians, some shipped before witness joined the vessel at St. Thomas', and the rest by witness at Prince's in July last. Had an interest to the extent of 1,000 dollars in the vessel and cargo; none others of the Officers or mariners had any interest in either; was Master on board, there was one passenger at the time of seizure, a Spanish seaman, (whose name he does not remember,) embarked at Prince's for Havana by orders of the Government. The voyage began at St. Thomas', and was to have ended at Cuba; the last clearing port was Prince's, from Prince's the vessel proceeded to Adjadah, where the slaves were shipped. The capturing vessel was first seen about 40 miles south of Cuba on the 1st December last, and capture took place on the same day; the chase lasted about 3 or 4 hours, and witness tried all he could to escape; the '*Carlota*' was steering for Cuba when pursued. No resistance was made, there were no instructions to destroy or conceal any of the vessel's Papers. The Owner of the vessel is Jozé Barboza Paiva, knows it from having been appointed to the command by him, and by the vessel's Papers; believes he had always resided at St. Thomas' where he was born. Believes there is a Bill of Sale in the Owner's possession, but has never seen it; does not know what was the price of the vessel; knows of no private agreement. Barboza is part owner of the cargo, and there are three or four others interested, whose names he does not remember; Zangroni was the lader of the cargo, which was consigned to a house in Cuba, does not know the name; the slaves were to have been landed in Cuba on account and risk of the Owners, whose names he does not remember, but they will be found amongst the vessel's Papers, and believes if the cargo be restored it will belong to the persons he has spoken of. Knows nothing of the last voyage; the cargo shipped at Prince's on the present was rum; 208 slaves were shipped altogether, all from the shore at Adjadah. The vessel was taken to Belize after capture. The Papers found on board were all true and fair. No Papers were destroyed, concealed, or made away with in any manner. Neither the vessel nor cargo was insured to his knowledge, the vessel was under Zangroni's management in regard to her trade."

The evidence of the passenger was necessarily very limited, on account of his having only embarked on board the vessel at Whydah, but there appeared in it no matter contradictory of the Master's testimony.

Publication of the Case passed on the 28th ultimo, and the Motion having expired on the 2d instant, the Court then adjudged the case. The illegal nature of the vessel's employment being beyond question, a sentence of condemnation was recorded against the Portuguese schooner '*Carlota*,' and the survivors of the 203 negroes landed at Belize, were at the same time, declared free.

(Signed)

THOMAS COLE.

WALTER W. LEWIS.

Sierra Leone, 6th May, 1837.

No. 42.

His Majesty's Commissioners to Viscount Palmerston.—(Received September 12.)

MY LORD,

Sierra Leone, 20th June, 1837.

His Majesty's brig "*Charybdis*," Lieutenant Mercer, Commander, when cruising off Lagos on the 11th ultimo, detained the Portuguese slave-schooner '*Lafayette*,' with a cargo of 448 Africans, shipped the previous day at that port. The captured schooner reached this Colony on the 6th instant, and the proceedings instituted against her by the seizors terminated on the 16th following in the condemnation of the vessel and cargo, and emancipation of 441 slaves, the survivors of those seized.

This vessel was found sailing under a Passport from the Minister of Marine at Lisbon, dated in November 1835, and which showed her then to have been destined to the ports of Brazil. The first official endorsement upon this document is dated the 13th September, 1836, at some port in Brazil, which however is not mentioned. Within 3 weeks from that time the schooner was at Bahia, consigned to the house of Almeida and Costa. And on the 4th March last she cleared from Bahia for Prince's and St. Thomas' Islands on this coast.

As it is not probable, that the "*Lafayette*" was occupied between November,

1835, and September, 1836, in making her voyage from Lisbon to Brazil, it may fairly be suspected, that she came from Portugal direct to this coast, on a similar errand to that which has now been happily frustrated; and was on that occasion successful in crossing the Atlantic with a cargo of human beings for the market of Bahia, or some adjacent port. The time which such a voyage would occupy, would not be greater than the period referred to.

In the Passport the names of Antonio Jozé Coelho, and Antonio Augusto Ferreira Sampaio, of Lisbon, are mentioned as the Owners of this vessel.

The prevarication of the Master in this case was marked as regarded the destination of the captured vessel. When seized he declared to the Commander of the "Charybdis" that the schooner was bound to Bahia; whilst in his examination before the Registrar he stated she was going to Havana; in which latter statement he was corroborated by the Cook of the detained vessel.

Our Report of this Case we beg leave to inclose for your Lordship's information.

We have, &c.

(Signed)

A. DOHERTY.

WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 42.

Report of the Case of the Portuguese schooner, "Lafayette," Manoel Antonio Rodrigues Nogueira, Master.

THIS is the Case of a Portuguese vessel belonging to the Port of Lisbon, seized for having a cargo of slaves, by His Majesty's brig, "Charybdis," which cruizer fell in with the Portuguese schooner in the Bight of Benin, on the 11th of May last, the day after the said slaves had been embarked at Lagos. At the time of detention the following Papers were found on board the "Lafayette":—

1. Lisbon Passport, dated 19th November, 1835, with a destination to the Ports of Portugal and Brazil.
2. Manifest of the cargo brought from Bahia to the Coast, shipped by Almeida and Costa, of that city, in March last.
3. Muster-roll.
4. Bundle of 5 Bahia Custom-house Papers.

By the official endorsements upon the Passport of this vessel it would appear, that she visited some Port near to Bahia on the 13th of September, 1836, for which she immediately cleared out, and arrived there on the 24th of October following, and delivered a cargo. On the subsequent 4th of March this schooner was at Bahia again, as she is described clearing at that time for St. Thomas' and Prince's Islands. When the schooner left Bahia, it appears she came direct to Lagos, on this Coast, as, on the 28th of April, she was there boarded by the cruizer, which ultimately succeeded in capturing her on the completion of her nefarious transactions, and when in the act of conveying her unhappy cargo to the slave-market of Havana.

The detained vessel arrived here on the 6th of June, and was duly visited and reported upon by the Acting Marshal and Surgeon to the Courts. From the Surgeon we learned, that the cargo of this vessel were in general appearance healthy, and that no more than 7 of the slaves had died on the passage up. Of those requiring hospital treatment it was satisfactory to learn, that they were few in number, and their diseases of a common description and of a mild form. They were, however, crowded, through the limited size of the vessel, and their early disembarkation was recommended by the Surgeon, and carried into effect by the Court, as soon as the same could legally be done.

On the 7th instant the Captor's Proctor lodged in Court the Declaration of his Client respecting this seizure, and the ship's Papers properly authenticated by the Prize Officer, when the Monition issued, and the witnesses in chief were produced for examination.

The Declaration of Lieutenant Mercer, the Commander of the "Charybdis," was, that on the 11th of May, 1837, being in or about latitude 6° 8' north, and longitude 4° 13' east, he detained the schooner named "Lafayette," sailing under Portuguese colours, armed with 2 guns, and commanded by Manoel Antonio Rodrigues Nogueira, who declared her to be bound from Lagos to Bahia, and having on board 448 slaves.

The Registrar examined the witnesses brought forward by the Seizor on the 10th instant, when the Master of the detained vessel deposed, that "he was born at Villa Flor in Portugal; has lived at Bahia for the last 5 years; has never served any State but Portugal, and is not married. Was appointed to the command, and possession was given to witness, at Bahia in February last, by Almeida and Costa, residents of Bahia, but Portuguese by birth and allegiance; first saw the said vessel there and then; believes she was built at Oporto. Was present at the time the vessel was seized for having slaves; had no colours but Portuguese. The vessel has never been called anything but 'Lafayette,' to his knowledge; she is 184 tons burthen; and had about 17 Officers and mariners, exclusive of witness, part Portuguese, part Brazilians, all shipped and hired at Bahia by Costa, in February last. Neither he nor any other of the Officers or mariners had any interest in either vessel or cargo; was Master on board; there was no passenger. The last clearing port was Bahia, and the voyage began there, and was to have ended at Lisbon; from Bahia the vessel went direct to Lagos, where slaves were shipped. The capturing vessel was first seen close to the entrance of Lagos on the 11th of May, and capture took place about 4 hours afterwards; the vessel was steering for Havana when pursued, and made every effort to escape; the vessel's Papers were for the Coast of Africa, St. Thomas' and Prince's Islands. There are 2 guns mounted, 8 or 10 muskets, and as many cutlasses, for the defence of the vessel; no resistance was made, there were no instructions to make any, or to destroy or conceal any of the vessel's Papers. He does not recollect the Owner's name, it is in the vessel's

Papers; he lives at Oporto, and is a Portuguese subject. He knows nothing of any Bill of Sale; has never seen one; cannot say what was the price of the vessel; believes, if restored, she will belong to the person named in her Papers. The lader of the slaves at Lagos was Manoel Pereira dos Santos, a Portuguese subject, and a seaman by profession; believes the Owners of them to be Almeida and Costa, and the consignee at Havana (at which place the slaves were to have been landed on account and risk of Costa) was a person called Mazorra, of whom witness knows nothing beyond his name; believes, if restored, the said slaves will belong to Costa. The lading of the vessel on her last voyage was salt from Oporto; the cargo brought to the Coast was tobacco and rum; the present is slaves; 449 were shipped altogether, all from the shore; none died before capture, some have died since; does not know the number; was taken direct to Sierra Leone after capture. The Papers are all true and fair. No Papers were destroyed, concealed, or made away with. Knows of the existence of no Papers in any country relating to vessel or cargo besides those delivered up. There was no Charter-party. Neither vessel nor cargo is insured to his knowledge; the vessel was under the management of Dos Santos in regard to her trade."

The Cook corroborated the Master's evidence.

An Affidavit of the Prize Officer established, that 7 of the slaves had died on board of the detained vessel during the time they had been under his charge.

Publication passed in the Cause on the 15th instant. The Monition, issued on the 7th, was filed in Court on the 14th, certified by the Acting Marshal to have been executed; and, on the 16th, the Court met for the adjudication of this Case, when a Sentence was recorded of condemnation of the vessel, her cargo and stores, and emancipation of the survivors of the slaves seized in the said schooner, in number 441.

(Signed)

R. DOHERTY.

WALTER W. LEWIS.

Sierra Leone, 20th June, 1837.

No. 43.

His Majesty's Commissioners to Viscount Palmerston.—(Rec. September 12th.)

MY LORD.

Sierra Leone, 24th June, 1837.

HEREWITH we have the honour to lay before your Lordship our Report of the Case of a Portuguese schooner, the "*Cobra de Africa*," condemned for having been found with a cargo of slaves on board, to the northward of the Equator, and who had been embarked at Bimbia, near to the river Cameroons.

The Commander of His Majesty's brigantine "*Dolphin*," the Seizor of this vessel, despatched his Prize immediately for Sierra Leone, where she arrived on the 14th instant, and on the following 22d a sentence of condemnation was pronounced against the said vessel, and the emancipation of the surviving 101 slaves was at the same time declared.

The schooner, it may be suspected, is one of the many Spanish vessels belonging to Cuba, or Porto Rico, which have latterly resorted to the Cape Verde Islands nominally to change their nationality, in order the more securely to carry on their detestable trafficking in human beings upon this coast; for the account of the Master and ostensible Owner of the said vessel, of the manner in which he had purchased her, and of his having left the Bill of Sale (a perfectly unofficial Document by his description, not having even been witnessed) at the Cape Verde Islands, is exceedingly improbable; whilst his ignorance of what the outward cargo consisted of, as shown by his declaration that the slaves were purchased with money, when it appeared there was a cargo of merchandize carried for this object, would lead to the impression, when coupled with the fact of there having been a Spaniard on board as a passenger, named Bosce, embarked at Cape de Verdes for Cuba, that the Portuguese was merely a Captain for the national flag, and that Bosce was the real Commander of the vessel, and which was *bonâ fide* Spanish property.

We have, &c.

(Signed)

R. DOHERTY.

WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 43.

Report of the Case of the Portuguese schooner "Cobra de Africa," Antonio Joaquin da Conceição, Master.

THIS vessel, sailing under the Portuguese flag, was provided with the following Official Papers:—

1. Passport,
2. Muster-roll,
3. Clearance of cargo,

at St. Jago, Cape de Verde Islands, under date of December, 1836, and pointing out the Islands of Prince's and St. Thomas', with leave to touch at the ports of the Coast of Africa, as the destination of the vessel; prohibiting her at the same time from being employed in the Slave Trade.

The "*Cobra de Africa*" is said to have touched at Prince's Island, after leaving the Cape de

Verdes, but to have had no communication with the Custom-house there; and thence to have proceeded to Bimbia, near to the river Cameroons, where a cargo of Africans was embarked, with whom the schooner had just commenced the voyage to Havana, when His Majesty's brigantine "Dolphin" fell in with, and detained her, on the 27th May, 1837.

On the 14th of the following month the detained vessel reached this port, and was immediately visited by the Acting Marshal and Surgeon to the Courts; and from the Report of the latter Officer he found, that 52 of the 162 slaves seized in this vessel, had died on the voyage up here, and that no less than 44 of the survivors of this afflicted cargo required immediate hospital treatment. In explanation of the slaves of this vessel having suffered so severely from disease, and of their general appearance on arrival being remarkably emaciated and unhealthy, we learned that they had been confined in the Barracones, or slave-houses, 3 months previous to their embarkation.

The proceedings of the Captors against this vessel commenced on the 15th instant, when the schooner's Papers, duly authenticated, were filed in the Court, with the Seizor's Declaration; the issued, and the witnesses in preparatory were ordered for examination.

The Seizor's Declaration was to the effect that he fell in with the said schooner on the 27th May last, and detained her for having a cargo of slaves on board, said to have been shipped the day previous at Bimbia, and with whom she was bound to Cuba.

Immediately the vessel was brought within the jurisdiction of the British and Portuguese Mixed Commission, measures were adopted for disembarking the slaves, as recommended by the Surgeon, and the healthy were, in the afternoon of the first day, placed at the Liberated African Department in Freetown. On the following morning the sickly were lodged in the Lower Hospital at Kissy.

The Prize Officer's Affidavit, as to the number of slaves who had died whilst he had charge of the schooner, showed their mortality to have been 52, and arising entirely from disease.

On the 19th instant the Registrar examined, on the Standing Interrogatories, the Master of the detained vessel, and his Mate, Francisco Barcelo.

Antonio Joaquin da Conceição, the said Master, deposed, that "he was born at Lisbon, has lived at St. Jago, Cape Verdes, for the last 12 years; has never served any State but Portugal, and is not married. He appointed himself to the command of the vessel; possession was given to him at St. Jago in December last by the former Owner, Jozé Maria Lobo Alvel, a Portuguese subject, and a resident of that island; first saw the said vessel at that place a few days previously; believes she was built at Baltimore. He was present when the vessel was captured for having slaves on board; had no colours but Portuguese. He has never heard of the vessel being called by any other name but "Cobra de Africa;" she is about 110 tons burthen, and had 19 officers and mariners exclusive of witness, Portuguese, Americans, and French, all hired and shipped by witness at St. Jago in December last. He was the sole Owner of both vessel and cargo; none of the officers nor mariners had any interest in either; was Master on board; there was one passenger at the time of capture, a Spanish merchant named Jozé Bosce, who was embarked at St. Jago in December last for a passage to Havana; the said Bosce had no interest in either vessel or cargo, nor authority on board. The last clearing port was Porto Praya, St. Jago; the voyage began there, and was to have ended at Havana; from St. Jago the vessel proceeded to Prince's Island, where he remained 10 days, and shipped provisions, but had no communication with the Custom-house; and from thence proceeded to Bimbia, where the slaves were taken on board. The capturing vessel was first seen off the entrance of Bimbia on the 27th May, and capture took place the same day; witness's vessel was steering for Havana at the time, and made every effort to escape; the vessel's Papers were for Prince's Island, St. Thomas', and the Coast of Africa. There are no guns, and only 8 muskets, as many cutlasses, and a little powder for defence; no resistance was made, there were no instructions to escape capture, or to conceal or destroy any of the vessel's Papers. He is himself the sole Owner of the vessel; witness lived in Lisbon before he resided at the Cape Verdes. There was a Bill of Sale from the former Owner, Alvel, to witness, signed at Porto Praya in December last; the said Document is now in that city, there were no subscribing witnesses; the price was 8,000 dollars, and was paid down in cash. The sale was a true one, and if restored the vessel will belong to witness only; there was no private agreement. He is himself the sole Owner, Lader, and Consignee of the slaves; they were to have been landed at Havana on account and risk of witness, and if restored will belong to him only. He knows nothing of the last voyage; no cargo was shipped at Cape Verdes; the slaves were purchased with cash; 164 were embarked altogether, all from the shore, two died before capture, several have died since; does not know how many, nor their descriptions; the vessel was taken direct to Sierra Leone after capture. The Papers were and are all true and fair. No Papers were destroyed, concealed, or made away with. There are no other Papers than those delivered up, and the Bill of Sale, in any country, relating to vessel and cargo. There was no Charter-party. Neither the vessel nor cargo is insured; she was under witness's sole management in regard to her trade.

The testimony of the Mate differed only from that of the Master in respect to the number of days the vessel had remained at Prince's Island; the former declaring they had stopped 6 days, whilst the latter stated it to have been 10 days. And as to what was used in purchasing the slaves, the Master swore that he had paid money, but the Mate said the outward cargo of the vessel, which consisted of 12,000 dollars' worth of assorted trade goods, had been exchanged for these people.

Publication in the cause passed on the 20th instant, and on the 22d the Monition was returned duly certified, and the Court on that day assembled for the adjudication of the said vessel. In so clear an instance of an infraction of the Convention between Great Britain and Portugal, as was presented in this Case, it only remained for the Court, after having heard read the evidence, to declare the penalty awarded which that Convention directs, and sentence of condemnation of the hull, stores, and cargo of the said vessel, was accordingly pronounced. The emancipation was at the same time decreed of the 101 surviving slaves of the 162 seized on board of this vessel.

(Signed)

R. DOHERTY.
WALTER W. LEWIS.

Sierra Leone, 24th June, 1837.

No. 44.

His Majesty's Commissioners to Viscount Palmerston.—(*Received September 12.*)

MY LORD,

Sierra Leone, 30th June, 1837.

IN pursuance of the 75th clause of an Act, passed in the 5th year of the reign of His late Majesty, entitled "An Act to amend and consolidate the laws relating to the abolition of the Slave Trade," we have the honour to enclose a Return of all the Cases of Portuguese vessels which have been brought to adjudication before the British and Portuguese Court of Mixed Commission, in the period from the 1st January to the 30th June, 1837.

We have, &c.

(Signed)

R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.

WALTER W. LEWIS.

&c.

&c.

&c.

Enclosure in No. 44.

Return of Portuguese Vessels adjudicated by the British and Portuguese Court of Mixed Commissioners established at Sierra Leone, betwixt the 1st day of January, and the 1st day of July, 1837.

NAME OF VESSEL.	NAME OF MASTER.	DATE OF SEIZURE.	WHERE CAPTURED.		PROPERTY SEIZED.	SEIZOR.	DATE OF SENTENCE.	Number of Slaves Cap- tured.	Number died before Adjudi- cation.	Total number Emanci- pated.	Decretal part of Sentence; whether Forfeiture or Restitution.	Whether Property con- demned has been sold or converted, and whether any part remains unsold, and in whose hands the proceeds remain.
			Latitude.	Longitude.								
Paquete de Cabo Verde	Bartholomew Robello	1837. 11 January	4° 13' N.	7° 7' E.	Brig and 576 slaves	Robert Craigie, Esq., H. B. M. Sloop "Scout."	1837 2 March	576	124	452*	Condemned for being engaged in the illicit traf- fic in slaves. Ditto Ditto	Vessel and stores sold by Public Auction, and the proceeds paid into the military chest. Ditto Ditto
Temerário	Camillo U. da Fonseca	20 January	4° 24' N.	7° 8' E.	Brigantine and 349 slaves	H. P. Deschamps, Esq., H. B. M. Brig "Bonetta."	Ditto.	349	113	236†	Ditto Ditto	Ditto
Esperança	Felix Cosme Madrid	11 January	4° 13' N.	7° 7' E.	Brig and 108 slaves	Robert Craigie, Esq., H. B. M. Sloop "Scout."	4 March	108	19	89	Ditto Ditto	Ditto
Josephina	Miguel A. Montano	10 February	5° 39' N.	2° 45' E.	Schooner and 350 slaves	Thos. Henderson, Esq., H. B. M. Sloop "Columbine."	17 March	350	4	346‡	Ditto Ditto	Ditto
Latona	José G. de Carvalho	4 February	5° 34' N.	2° 29' E.	Schooner and 325 slaves	Ditto. Ditto.	Ditto.	325	5	320§	Ditto Ditto	Ditto
Carlota	Miguel Paulo	1836 1 December	19° 43' N.	78° 37' W.	Schooner and 204 slaves.	Robert Fair, Esq., H. B. M. Sloop "Cham- pion."	2 May	204	1	203||	Ditto Ditto	Schooner and stores left at Honduras in charge of the Superintendent of that Port.
Lafayette	M. A. R. Nogueira	1837 11 May	6° 8' N.	4° 13' E.	Schooner and 448 slaves.	Samuel Mercer, Esq., H. B. M. Brig "Charybdis."	16 June	448	7	441¶	Ditto Ditto	The Schooner and stores in charge of the Commissioner of Appraisement and Sale; the same being ordered to be sold by Public Auction, and the proceeds paid into the Registry 21 days from the date of the Condemnation.
Cobra de África	Ant. J. de Conceição	27 May	3° 30' N.	9° 30' E.	Schooner and 162 slaves	Joseph Batt, Esq., H. B. M. Brigantine "Dolphin."	22 June	162	61	101**	Ditto Ditto	Ditto

* Five men, 1 woman, 2 boys, and 10 girls died before their descriptions could be taken to be registered.

† Three men, 1 woman, 1 boy, and 2 girls died before their descriptions could be taken to be registered.

‡ One man died before his description could be taken to be registered.

§ One man and 1 boy died before their descriptions could be taken to be registered.

|| The slaves belonging to "Carlota" were landed at Honduras.

¶ One man and 2 boys died before their descriptions could be effected to be registered.

** One man, 2 women, 2 boys, and 1 girl died before their descriptions could be effected to be registered.

(Signed)

R. DOHERTY,

WALTER W. LEWIS.

Sierra Leone, June 30th, 1837.

(Signed)

M. L. MELVILLE, Registrar.

No. 45.

His Majesty's Commissioners to Viscount Palmerston.—(*Received September 12.*)

MY LORD,

Sierra Leone, 8th July, 1837.

WE have the honour of reporting to your Lordship, that His Majesty's sloop "Wanderer," Commander Dilke, detained on the 3d April, off the Bahama Islands, the Portuguese schooner "*Flor de Téjo*," with a cargo of 417 slaves on board; which vessel, after her slaves had been disembarked at New Providence from motives of humanity, was sent to this port for adjudication, where she arrived on the 27th ultimo.

Proceedings in the usual form were without delay instituted against the said vessel in the British and Portuguese Court; and on the 5th instant the said schooner and cargo were pronounced good and lawful prize. At the same time a decree of emancipation passed in favour of the survivors on the day of trial of the 417 slaves landed from this vessel at the Bahama Islands.

Our Report of the Case we herewith lay before your Lordship.

The history of this vessel, as far as we have been enabled to discover it from the evidence taken and the Papers filed in the Case, affords, we think, as plain an instance as any which has been communicated to your Lordship, of the readiness of the Government of the Cape Verde Islands to lend itself to the nominal transfer of vessels from foreign flags to Portuguese colours for the evident object only of engaging in the Slave Trade.

In January last, this vessel arrived at the Cape Verdes as the Spanish schooner "*Flor do Mar*," fully equipped for a slaving voyage, and in a few days afterwards was transferred by her Spanish Master, Miguel d'Oliveira, to João Antonio Ribeiro, the Portuguese found in command at the time of her detention, her former Spanish Master being then Mate. This transfer was attested in the presence of Francisco Cardozo de Mello and Antonio Dionisio Furtado, the former of whom we have frequently alluded to, when bringing to your Lordship's notice the repeated nominal transfers of Spanish vessels to the Portuguese flag at the Cape de Verde Islands during the last year. Cardozo's connexion with adventures of the description in question is fully given in our General Despatch, of the 5th of January, of this year, in which will also be found the name of Ribeiro, the Master of this vessel, he having been here in command of the lately condemned Portuguese slave brigantine "*Felix*."

The Case of the "*Felix*" was reported to your Lordship under date of the 22d October last, and will on reference appear to be perfectly similar to the present one.

The slaving-house of Pedro Martinez and Company of Havana has on this occasion suffered as heavy a loss, as it may be presumed it did when Ribeiro was acting for them in the "*Felix*" under the directions of Manuel Espinosa, who formerly commanded this vessel, when she bore the name of "*Flor do Mar*."

On the statements of Ribeiro little dependence can be placed, for we find on a reference to the Papers of the "*Felix*," that, in October last, he swore he had never served any other State but Portugal; whilst a few days back he stated, that he had been in the service of the Brazilian Government during 1822 and 1823. Formerly he distinctly swore that he was a resident of Oporto; latterly that he has no fixed place of abode, but usually sails from Porto Praya. These instances in themselves, we submit, are sufficient to deprive his statements of credibility; his assertions therefore, that the "*Felix*" and her cargo of slaves were his entire property, serve but to confirm our opinion, that the "*Flor de Téjo*" has only nominally changed her name and flag, and that she is in reality still Spanish property.

This vessel, under her previous name of "*Flor do Mar*," made 2 successful voyages to this Coast from Cuba, as appears by the Havana Commissioners' Lists of arrivals and departures from that island of vessels concerned in the Slave Trade.

We have, &c.

(Signed)

R. DOHERTY.

The Right Hon. Viscount Palmerston, G.C.B.

WALTER W. LEWIS.

&c.

&c.

&c.

CLASS A.

K

Enclosure in No. 45.

Report of the Case of the Portuguese Schooner "Flor de Téjo," João Antonio Ribeiro, Master.

THIS vessel, furnished with a Passport for lawful commerce from the Government of the Cape de Verde Islands, sailed thence under the Portuguese flag, about the 7th January last, for the destination assigned in her Official Papers, and reached the Galinas a few days afterwards; where a cargo of slaves was embarked on the 10th February, with which she departed for Cuba. Success attended her on the return voyage, so far as to allow her to reach unmolested the latitude of the Bahama Islands, when happily she was fallen in with by His Majesty's sloop "Wanderer," and detained, with her unlawful cargo, for adjudication.

The condition in which the vessel as well as the slaves were when captured, rendered it necessary to disembark them at Nassau, New Providence, after which the schooner was despatched hither for trial.

On the 27th June ultimo the detained vessel came to anchor in this port; and was as usual visited and reported upon by the Acting Marshal to the Court, from whom we learned the circumstances attending the seizure.

The day following the arrival of the schooner proceedings were taken against her in the British and Portuguese Court of Mixed Commission, when the Ship's Papers, properly authenticated, were lodged in the Registry, with the Declarations of the Captor as to the seizure of this vessel, and the disembarkation of her slaves. The Monition at the same time was issued, and the witnesses in preparatory were ordered to be examined.

The Declaration of the Seizor, made at the time of detention, sets forth, that on the 3d April last, being in latitude 26° 30' north, and longitude 78° 30' west, he detained the said schooner in a voyage from Galinas to Havana, for having 417 slaves on board, 94 of whom were sickly.

In the supplementary Declaration of the Seizor of the 6th April last, he states that the quantity of provisions on board the detained vessel for the slaves and crew was insufficient for their support during a voyage to Sierra Leone, and he therefore had disembarked the said slaves at New Providence as before mentioned.

From an Affidavit of one of the Prize-Officers we learned that the small-pox prevailed amongst the cargo of Africans, and that they were in consequence in quarantine at New Providence; which would appear to be another, and very strong ground for not sending those people a second voyage across the Atlantic.

Acting Governor Hunter, of the Bahamas, gave a Receipt for the negroes of the detained vessel landed in his government, dated the 6th April last, which showed the number to have been 417.

João Antonio Ribeiro, the Master of the detained vessel, was examined by the Registrar on the 1st instant, and gave the following testimony:—That "he was born at Oporto, has no regular place of abode, but generally sails from Porto Praya, Cape Verdes; is a Portuguese subject; served the Emperor of Brazil during the years 1822 and 1823, and at that time considered himself a subject of that State; is not married. The vessel is his own, and he appointed himself Master; possession was delivered to him at Cape Verdes in January last by the former Owner and Master of the vessel, whose name he does not remember, but it is in the Vessel's Papers; first saw the said vessel there about 8 days before he bought her; she is North American built. He was present when the vessel was captured with slaves on board; had no colours on board but Portuguese. The vessel was formerly called '*Flor de Méz*,' her name is now, and has been ever since he bought her, '*Flor de Téjo*;' she is about 110 tons burthen, and has 26 Officers and mariners, exclusive of witness, some Portuguese, some Spaniards, and some Italians, all hired and shipped at Porto Praya by witness in January last. He was sole Owner of both vessel and cargo; no other person had any interest in either; was Master as well; there were 3 passengers, Portuguese, taken on board at Galinas in February for a passage to Havana, 2 of them were Masters of vessels, and the other a mariner, all belonged to vessels condemned at Sierra Leone; does not remember their names; they had none of them any authority on board, or interest in either vessel or cargo. The last clearing-port was Porto Praya, and the voyage commenced there, and was to have ended at Havana; from the Cape Verdes the vessel proceeded to Galinas, where slaves were purchased from the native chiefs. The capturing vessel was first seen on the 3d or 4th of April to the west of the Island of New Providence, and capture took place the same day close to Roques Island; the vessel was steering for Havana when pursued. There are 2 guns mounted, and 10 or 12 muskets, 18 cutlasses, and 2 kegs of powder for defence against pirates; no resistance was made; there were no instructions given to escape capture, or to conceal or destroy any of the Vessel's Papers. He is sole Owner of the vessel. There was a Bill of Sale from the former Owner, which is amongst the Papers delivered up; the price (3 contos and 80 milreis) was paid down in cash, and was a fair equivalent for the vessel; the sale was a true one, and the vessel, if restored, will belong to witness, and to no other person; there was no private agreement. He is sole Owner, Lader, and Consignee of the slaves, whom it was his intention to have landed in Havana on his own account, and risk, and if restored, they will belong to him only. The vessel arrived at Cape Verdes in ballast, and after he bought her he shipped no cargo, taking cash for the purpose of purchasing the slaves; 465 were shipped altogether, all from the shore; does not remember their descriptions; 54 or 55 died before capture, and some died afterwards, but does not know how many; after capture the vessel was taken to New Providence, and thence to Jamaica, and from that Island to Sierra Leone. The Papers were and are all true and fair. No Papers were concealed, destroyed, or made away with. There are no other Papers besides those delivered up relating to vessel or cargo. There was no Charter-party. Neither vessel nor cargo is insured. The vessel was under witness's sole management in regard to her trade."

Manuel Martinez, the Boatswain of the captured schooner, gave evidence confirming that of the Master in every respect.

On the 3d instant a Petition came in to allow the Acting Marshal to relieve the Prize-Officer of his charge of the detained vessel, in order to enable him to rejoin his ship with the least possible delay. Conceiving the public service would be benefited by this request being complied with, we accordingly granted the Petition, and on the following day the Prize-Officer transferred his charge to the Acting Marshal.

The Monition, issued on the 28th ultimo, was duly returned on the 5th instant, on which day the Court assembled for the trial of this vessel, when a sentence of condemnation of the schooner and cargo was passed, and of emancipation of the survivors on this date, of the 417 slaves landed at the Bahamas.

Sierra Leone, 8th June 1837.

(Signed)

R. DOHERTY.
WALTER W. LEWIS.

No. 46.

His Majesty's Commissioners to Viscount Palmerston.—(*Received Sept. 12.*)

MY LORD,

Sierra Leone, 14th July, 1837.

His Majesty's brigantine "Dolphin," cruising in the Bight of Benin, succeeded in capturing, on the 1st ultimo, the Portuguese schooner "*Providencia*," having a cargo of 198 slaves on board, and bound from Lagos to the market of Bahia.

On evidence of the clearest character this vessel was condemned on the 10th instant, for violating the provisions of the existing Treaties between Great Britain and Portugal for the repression of the African Slave Trade.

Our Report of this Case we have the honour of forwarding herein.

The proceedings of this vessel will be found to afford an equally conclusive instance of the readiness of the Portuguese Colonial Authorities to connive at the nominal transfer of foreign vessels to the flag of their own nation, as that contained in our previous Despatch to your Lordship, of the 8th instant.

Domingos Jozé Rodrigues, the ostensible purchaser of this vessel at Princes Island, was declared by the Master to be the Owner also of the whole cargo of slaves. Rodrigues was found on board at the time of the seizure, in the capacity of a passenger, as admitted by the Master, who declared that of the 11 passengers embarked none had any interest or property in either the vessel or cargo. It, however, satisfactorily appeared by a List of the cargo shipped, found among the Papers at the time of seizure, that the reverse of the Master's statement as to the Ownership of the cargo would have been correct, as Rodrigues really owned but 4 slaves. The particulars of the cargo in this instance afforded some insight into the manner of conducting the Slave Trade at present at the port of Lagos. There were embarked by or on the account of Lial Feller and Company, 129 negroes; and for 27 other persons there were shipped 67 negroes; the largest shipper of these 27 persons having but 6, whilst many had but 1 slave. The general participation of the residents of Lagos in the profits of this odious commerce, evident from the foregoing facts, we fear, may be considered as offering a rather serious obstacle to the extinction of this trade, as far as this port is concerned.

When this vessel reached Princes Island in April last, she was under the Brazilian flag, and named "*Tuba*," and had gone direct from Bahia to that Island. On her nominal change of nationality, the Brazilian Master and seller of the vessel became the First Mate under her Portuguese flag; whilst the First Mate, when she had Brazilian colours, became the Portuguese Master. Connecting these facts with the history of the ostensible Owner of the vessel and cargo, which had been previously given, we think the present as plain an instance of nominal and fraudulent transfer to the national flag of Portugal as any which has been reported.

From the evidence of both the witnesses it appeared that the Rio Real, near Bahia, is a place where slave-vessels disembark their cargoes.

We have, &c.

(Signed)

R. DOHERTY.

WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 46.

Report of the Case of the Portuguese Schooner, "Providencia," Joaquim Martins Guimaraens, Master.

THE "*Providencia*" was a vessel nominally belonging, for the voyage in which she was seized, to the Island of Princes, whither she had gone in the month of April, 1837, under Brazilian colours, and ostensibly changed her Flag and Papers to Portuguese, when she immediately departed for the Coast of Africa to trade in slaves.

At Princes Island, the schooner obtained the following Papers:—

1. Passport, in the usual form, and for "lawful commerce."
2. Muster-roll.
3. Certificate of the Sale of the Vessel.
- 4 and 5. Custom-house Clearances.

The foregoing Papers described this vessel as having been, on her late arrival at Princes Island, the Brazilian schooner "*Julia*," or "*Tulia*," under the command of José Vicente Ferreira, who there sold her to Domingos José Rodrigues, a person found on board as a passenger at the time of seizure,

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and who appears to have had no more interest in the cargo than that arising from four slaves shipped by him.

The official destination of the schooner was Bahia, after she had touched at the ports of the Coast; in pursuance of which she went direct from Princes Island to Lagos, as appeared by her Log-book, and there embarked a cargo of negroes, with whom she was on her way to Bahia, when met by His Majesty's brigantine, "Dolphin," on the 1st June, ultimo; the Commander of which cruiser seized and sent her here for adjudication.

On the 1st July, the "*Providencia*" came to anchor in this port, and was visited by the Acting Marshal and Surgeon to the Courts. Of the slaves seized in this vessel, it appeared only 5 had died on the passage hither, and that 21 were in need of hospital-treatment for common and mild cases of disease. The remainder of these people were in very good health, but much crowded, as is nearly always the case in slave vessels.

The late hour of the day at which the schooner got into our harbour prevented the Papers being prepared in time for bringing the case into Court at once; and it was in consequence delayed until the following Monday, the 3rd instant, when the Declaration of the Seizor and the schooner's Papers were filed. At the same time the Monition issued, the witnesses were ordered for examination; and the slaves were disembarked, and lodged in the custody of the Liberated African Department.

Lieutenant Batts's Declaration, as to the seizure of this vessel, was that, being in 5° 4' north latitude, and 3° 25' east longitude, on the 1st June, 1837, he detained the "*Providencia*," on her voyage from Lagos to Bahia, for having 198 slaves on board.

An Affidavit of the Prize-Officer, as to the mortality amongst the slaves during the time they were in his care, showed that 5 of them had died from disease.

On the 3d instant, the Registrar examined, on the standing Interrogatories, the Master and Cook of the detained vessel.

The Master deposed that "he was born in Oporto, and lives there. Has never served any state but Portugal; and is not married. He was appointed to the command, and possession was given to him in Princes Island, in April last, by the Owner, Domingos José Rodrigues, a resident merchant of that island, and a Portuguese subject. First saw the said vessel there and then: she is North American-built. He was present when the vessel was captured for having slaves on board. Had no colours but Portuguese. The vessel is now called "*Providencia*;" believes she was formerly called "*Tulia*." She is 60 tons burthen, and had 16 Officers and mariners, exclusive of witness, all Portuguese: all hired and shipped by witness, at Princes Island, in April last. Neither he nor any other of the Officers and mariners had any interest in the vessel or cargo. Was Master on board. There were 11 passengers, Portuguese sailors, whose names he does not remember: they belonged to vessels which had been captured by His Britannic Majesty's cruisers: they were embarked at Lagos, in May, for a passage to Bahia: none of them had any interest or authority on board. The vessel cleared out at Princes Island; and the voyage began there, and was to have ended at Bahia. From Princes Island, the vessel proceeded direct to Lagos, where slaves were embarked from the shore. The capturing vessel was first seen, close to Ajudah, on the 31st May; and capture took place about an hour and a half afterwards. Witness's vessel was steering for Bahia at the time: her Papers were for that place. There are no guns mounted: about 6 muskets and as many cutlasses. No resistance was made: there were no instructions to escape capture, or to conceal or destroy any of the vessel's papers. Domingos José Rodrigues is sole Owner of the vessel: witness was present when he paid for her. Rodrigues is a native of Oporto: he lived at Bahia before he resided at Princes Island: he is unmarried. There was a Bill of Sale, which is amongst the Papers. The price was, witness thinks, 1 conto and 200 milreis, paid in cash, and was a fair equivalent for the vessel. The sale was a true one; and the vessel, if restored, will belong to Rodrigues: there was no private agreement. The whole of the slaves belong to Rodrigues, except about 4, who were the property of 4 Portuguese, residents at Lagos; namely, Antonio Rodrigues Dorons, Manoel Pachico, Antonio Pinheiro, and Domingos Estaca, who each put his own slave on board. The remainder were laded by Rodrigues himself, who went with the vessel to Lagos, and was on board when she was captured on her passage to Bahia. The slaves were to have been landed in the Rio Real, to the north of Bahia, on account of the persons named, and will belong to them only, if restored. He knows nothing of the last voyage. Her cargo, shipped at Princes, was rum, iron bars, and dry goods. The present cargo is slaves: 197 were shipped altogether; all from the shore. Does not remember their particular descriptions. None died before, but 5 have died since capture. After seizure, the vessel was taken to Sierra Leone. The Papers are all true and fair. There are no other Papers in existence, to his knowledge, relating to vessel or cargo, besides those delivered up. There was no Charter-party. Neither vessel nor cargo is insured. The vessel was under the management of the Owner, in regard to her trade."

Amaro da Silva, the Cook of this vessel, contradicted, by his testimony, much to which the Master had deposed. Da Silva swore that the alleged Owner was a resident of Bahia, and not of Princes, as the Master had stated. That the voyage truly began at Bahia, where the outward cargo was shipped, and not at Princes. That a Brazilian Merchant-Captain, at Lagos, a friend of the Owner, laded the slaves, and had the entire direction of the vessel, in regard to her trade; and not the Owner, Rodrigues, as alleged by the Master. In addition to the foregoing information, the Cook declared that the present Master was First Mate during the voyage from Bahia to Princes; and that the First Mate, at the time of the seizure of the said vessel, was the Master in that voyage. The Cook confirmed the Master's statement, that the Rio Real, to the northward of Bahia, was to have been the place of disembarkation of the slaves laden in the said schooner.

On the 6th instant, publication passed in the cause; and, on the 10th, the day on which the Monition was returned, the British and Portuguese Court met for the adjudication of the case, and pronounced the confiscation of the schooner "*Providencia*," her cargo, and stores, and the emancipation of 193 slaves, being the survivors of those seized in this vessel.

Sierra Leone, 14th July, 1837.

(Signed)

R. DOHERTY.
WALTER W. LEWIS.

No. 47.

Viscount Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 25th September, 1837.

WITH reference to the various Reports which you have, from time to time, addressed to this Office, respecting the protection afforded to Slave Trade transactions by the Portuguese Authorities at the Cape Verd Islands, I herewith transmit, for your information, a Copy of the Instruction which I addressed to Mr. Egan, on his appointment to the post of British Consul at those Islands.

By this Paper you will perceive, that Mr. Egan has been desired to report to you such facts respecting the Slave Trade, as he may conceive to be worthy of your attention; and I have to instruct you to do all in your power to aid Mr. Egan in the execution of his duties.

His Majesty's Commissioners,
&c. &c. &c.

(Signed) PALMERSTON.
I am, &c.

Enclosure in No 47.

Viscount Palmerston to Mr. Egan.

May 10th, 1837.

(See Class B.)

No. 48.

His Majesty's Commissioners to Viscount Palmerston.—(Received Nov. 30.)

MY LORD,

Sierra Leone, 11th September, 1837.

WE have the honour of enclosing to your Lordship our Report of the case of the Portuguese slave-brig "*Amelia*," which was seized in the Bight of Benin on the 5th ultimo, by His Majesty's brig "*Water Witch*," Lieutenant W. B. Marsh commanding, and condemned in the British and Portuguese Mixed Commission Court, in this Colony, on the 30th ultimo. Of the 359 slaves seized, with this vessel, only 14 had died up to the time of adjudication, when the surviving 345 were duly emancipated.

The "*Amelia*," according to report, is a vessel which has been running between Bahia and Lagos for some time past, conveying slaves from the latter to the former port, in which she has been hitherto very successful. In these previous transactions the vessel must have had some other name, it may be imagined, as the cook of the detained brig stated that she was formerly called the "*Paquete de Africa*," and her present passport bears date so recently as October of last year at St. Paul de Loando, at which time she was doubtless renamed agreeably to the practice of the slave traders. From this document it is impossible to discover whether it truly belonged to her, as the only description of the vessel contained in it is, that she is a brig. From the positive testimony of the cook it would appear, that the vessel had in her last voyage been at Lagos, and carried thence to Bahia a cargo of slaves; and not at St. Paul de Loando, as might be inferred from her passport bearing date at that port, as previously mentioned in October last. It seems, therefore, probable from this account, that the passport used on the present occasion may have belonged to another vessel, or have been procured for this one in a surreptitious manner, particularly as the evidence of the Master is of that character that no great dependence may be placed on it; and, therefore, cannot be looked upon as refuting the cook's deposition.

The passport of the vessel declared her to be bound from Loando to the Cape de Verde Islands, touching at Princes' Island, a destination which could not possibly have been attended to, as the passport was endorsed at Bahia within 6 weeks after its date.

As both the witnesses swear distinctly that the only Papers belonging to this vessel have been delivered up to the Court, namely, the Passport and Muster-roll, it may be supposed that she left Brazil in a clandestine manner, as all the Custom-house receipts and certificates met with, in former cases of vessels cleared from Brazil, are in this instance wanting.

Throughout, the history of this vessel is of a very suspicious character, to clear up which every exertion has been used, but without success.

We have, &c.

(Signed)

R. DOHERTY.

WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 48.

Report of the Case of the Portuguese Brig "Amelia," Manoel Jose Marcial, Master.

THIS is the Case of a vessel belonging to the port of Bahia, bearing the flag of Portugal, and having a Passport from the Government of Loando, which was regularly employed in the Slave Trade between Lagos and Bahia.

According to the only Papers found on board at the time of seizure (a Passport and Muster-roll), she appeared to be owned by a Portuguese, named José Maria Henriquez Ferreira, said to be a resident of Bahia, and was bound thence on a voyage to St. Thomas's and Princes Islands direct, under the command of one Manoel José Machado.

The destination, in the Official Papers of the vessel, was not attended to, as it came out in evidence that she went from Bahia to Gibraltar, and there shipped some packages, and then proceeded to Lagos, where the cargo of negroes was embarked, with which she was captured, on the 6th ultimo, by Her Majesty's brig "Water Witch," off Cape Formosa.

After the short passage of 17 days, she reached this harbour late on the 22d ultimo, and was visited and reported upon by the Acting Marshal and Surgeon to the Courts, on the following morning, early.

From the Surgeon's account of these slaves, we learned that only 5 had died of disease during the passage hither, 2 had destroyed themselves by jumping overboard, and 4 were at different times found dead on the slave-deck at the morning inspection, under circumstances which led to a suspicion that they had been killed by the other slaves.

The survivors of this cargo, with the exception of 12, were in a more than usually healthy condition, but were much crowded; and the Surgeon therefore recommended their early landing.

On the same day, the Vessel's Papers were brought into Court, duly authenticated by the Prize-Officer, together with the Captor's Declaration, when the Monition was issued, and the requisite arrangements made for the examination of the witnesses and the landing of the slaves; which latter took place that evening.

The Captor's Declaration was to the effect that, on the 6th August, 1837, when in latitude 4° 30' north, and longitude 4° 20' east, he detained the "*Amelia*," sailing under Portuguese colours, being bound from Lagos to Bahia, with 359 negroes.

The witnesses in the Case were the alleged Master and Cook of the detained vessel, who were examined on the Standing Interrogatories, by the Registrar, on the 26th ultimo.

According to the Muster-roll, the Master was one Manoel José Machado, a name which was given to the capturing Officer at the time of seizure, as that of the Master of the detained vessel; but the person acting in that capacity was evidently assuming that name, as on his being called to sign the Captor's list of stores, he appears then to have given his surname as Marcial, and which he persisted in when before the Registrar for examination. In like manner the Cook of the vessel, when here, declared his name to be José Lopez; a name which neither appears in the Muster-roll, nor in the list of the crew taken by the Seizor at the time of capture, when each man gave his own appellation. During the voyage this man answered to Francisco, which was agreeable to the name given the Cook in the Muster-roll.

The deposition of the said Master, who swore that he was unable to write his name, was, that "he was born at St. Michael's (Western Islands); he has no regular place of abode, lived last at Bahia, for about 3 years; is a subject of Portugal; has also served as Boatswain, in a Brazilian man-of-war, for 2 years, left that service 4 years since; is not married. Was appointed to the command of the vessel, and possession was given to him at Bahia, about 5 months ago, by the Owner, whose name he does not remember, but says it is in the Vessel's Papers; the said Owner is a Portuguese by birth, and is a resident merchant of Bahia; first saw the said vessel at Pernambuco, about 2 years since; does not know where she was built. Was present when the vessel was captured for having slaves on board; sailed under Portuguese colours; had no others. The vessel is called '*Amelia*,' has never had any other name to his knowledge; she is about 200 tons burthen, and had 18 Officers and mariners, exclusive of witness, all Portuguese, hired and shipped at Bahia, about 5 months since, by witness. Neither he nor any of the Officers or mariners had any interest in either vessel or cargo; was Master on board; there was no passenger. The last clearing port was Bahia, and the present voyage commenced at Bahia, and was to have ended there, or at Pernambuco; from Bahia the vessel went to Gibraltar, for the purpose of delivering some Letters from the Owner to his cousin, one Joao Antonio Joaquim Machado, a resident merchant of that place; staid there 8 days, and shipped provisions and water through the agency of the said Machado; but had no communication with the Custom-house; neither witness nor any of his crew went ashore; from Gibraltar the vessel went direct to Lagos, where the slaves were shipped. The capturing vessel was first seen about 20 days since; does not know the latitude or longitude; seizure took place the same day, after a chase of between 2 or 3 hours; witness was steering for Brazil when he first saw the capturing vessel; did not alter his course, but used every endeavour to escape. There are no guns mounted; had two, but threw them overboard in the chase; there are a few muskets and cutlasses, but does not know how many; there was no resistance made; there were no instructions to avoid or escape capture, or for destroying or concealing any of the vessel's Papers. The name of the sole Owner of the vessel is in the Passport; he is a widower, and lived at Lisbon before he resided at Bahia. He knows nothing of any Bill of Sale, or the price of the vessel; or whether the same be paid; believes if the vessel be restored she will belong to the Owner named in the Passport, and to no other person; knows of no private agreement. The Owner of the vessel is also sole Owner of the cargo; the leader at Lagos was Luis de Andrada, a Portuguese by birth and allegiance, and a resident trader at Lagos; does not know anything about the Consignee; the slaves were to have been landed on the Coast of Brazil, on account and risk of the Owner, and believes, if restored, they will belong to that person alone. He knows nothing of the last voyage; the cargo shipped at Bahia, on the present occasion, was tobacco, rum, and dry goods; the present cargo is slaves, 356 were shipped altogether, all from the shore; none died before, but some have died since capture; does not know how many, or their descriptions; was taken direct to Sierra Leone after capture. The Papers were and are all true and fair. No Papers were destroyed, concealed, or made away with. He knows of no Papers in any country relating to vessel or cargo besides those delivered up. There was no Charter-party. He does not know whether the vessel or cargo be insured; the vessel has usually been under the direction of the person named in the Passport as the Owner, in regard to her employment in trade."

The Cook, in his evidence, exhibited much more information as to the detained vessel than the Master, although the latter had, according to the Cook's account, been 2 successive voyages in her; in the former of which he had been, by her then Commander, promoted from his station of Boatswain to replace him, as he had determined on remaining at Lagos to trade. This witness's brother was on board during the previous voyage, and induced him to ship for the present, as he declared in answer to questions from the Registrar. In respect to the shipment which took place at Gibraltar, this witness was most direct in his contradiction of the Master's assertion, that it consisted of provisions; he declaring it was small boxes, which, in all probability, contained dollars; a sufficient inducement for a vessel to go so far out of her due course as she did, and not to deliver letters, as the Master stated. This witness also contradicted the description of the Owner given by the Master, who declared him to be a widower, whilst the Cook was positive as to his being now married to a Brazilian lady, and living at Bahia. On other points, where he gave direct testimony, it was confirmatory of the Master's evidence.

The number of deaths which had occurred during the passage up was testified to in the usual manner by the Prize-Officer, and gave a list of 8, in addition to 2 instances of suicide.

This closed the Seizor's Case, and publication passed therein on the 28th ultimo, on which date a Petition for a day of trial was received, and the following 30th was appointed for that purpose, the Motion being due at that time.

On the day named the Court accordingly assembled, when, the Motion having been duly returned, the Case of this vessel was proceeded with, and a sentence recorded of condemnation of the said brig and her cargo, with a Decree of emancipation for the surviving 345 slaves belonging to her.

(Signed) WALTER W. LEWIS.
R. DOHERTY.

Sierra Leone, 11th September, 1837.

No. 49.

Her Majesty's Commissioners to Viscount Palmerston.—(Received December 16.)

MY LORD,

Sierra Leone, 30th October, 1837.

HER Majesty's brigantine "Dolphin," under the command of Lieutenant Patrick Campbell, fell in with and detained on the 25th ultimo, off Princes Island, the Portuguese schooner "Primorosa," having on board 182 slaves, said to have been shipped at the Bonny for the slave-market at Havana.

The "Primorosa" reached this port on the 19th instant, and on the following morning was presented before the British and Portuguese Court of Mixed Commission for adjudication, which took place on the following 28th, when the confiscation of the said vessel and her cargo was pronounced, as well as the emancipation of the survivors of the slaves seized on board of her, who amounted on that date to 186; no less than 46 of these unfortunate people having fallen victims to disease during the month they were under detention.

The slaves of this vessel on reaching the Colony showed in a more than ordinary manner the effects of the disease which had prevailed amongst them during the passage up, they being generally much emaciated and debilitated. Under such circumstances it was gratifying to learn that the detained schooner had arrived in an extremely clean and orderly state, and which reflected great credit on the zeal and humanity of the Prize-Officer, Mr. G. E. Burslem, whose conduct on similar occasions previously has been very praiseworthy.

Herewith we have the honour to lay before your Lordship our Report of this Case.

From all we could learn from the Passport and Muster-roll of this vessel (the only two Papers found on board of her), and the evidence of the witnesses, we think it may be presumed, that the "Primorosa" was Spanish property and belonging to Cuba, being merely covered with the Portuguese flag to avoid the effect of the Equipment Article of the late Treaty with Spain.

We have, &c.

(Signed)

R. DOHERTY.

WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 49.

Report of the Case of the Portuguese Schooner "Primorosa," Joaquim Pedro Xavier, Master.

The "Primorosa," a small schooner, navigated under the Portuguese flag, and furnished with a Provisional Passport from the Government of the Cape de Verde Islands, on a previous voyage which ended at Havana, and with a Muster-roll from the latter port, whence she sailed in May last, was detained on the 25th ultimo, by Her Majesty's brigantine "Dolphin," off Princes Island, for having on board a cargo of 182 slaves; said to have been embarked a few days previously in the River Bonny.

Under the authority of the two Documents above mentioned this vessel's voyage was conducted; and from the little information to be derived therefrom, no opinion could be satisfactorily arrived at as to the real parties concerned in this adventure.

The alleged Owner of the vessel and cargo, when they were brought before the British and Portuguese Court, was stated to be the late Master; whilst the Passport declared the proprietorship of the schooner to be in one Daniel Honorio Barrozo, who last year commanded her from the Cape Verde to Cuba, and from whom the late Master stated he had purchased her. Barrozo, however, from his signature to the Passport, which is barely readable, and which has several orthographical errors in it, would appear to be one of those ignorant men, who, of late, have frequently been found in charge of Spanish vessels, which have nominally changed their nationality to Portuguese, and who have been intended to serve temporarily as Captain for the new flag, until better arrangements could be effected.

Late in the afternoon of the 19th instant the detained vessel arrived in this port, and was immediately visited by the Acting Marshal and Surgeon to the Courts, who respectively made their customary reports. From the Surgeon's statement we found that during the schooner's voyage hither much sickness had prevailed amongst the slaves, and that 39 had died. On their arrival here, however, there was not much actual disease prevailing; but these unfortunate people were in a more than ordinary state of emaciation and debility, which led the Surgeon to urge their immediate landing. It was very satisfactory to us to learn that the detained vessel had, notwithstanding the illness of the slaves during the voyage up, arrived in a condition which afforded good proof of the humane attention which Mr. Burslem, the Prize-Officer, had bestowed upon his charge.

On the morning following the schooner's arrival, her Papers, duly authenticated, and the Captor's Declaration were received into the British and Portuguese Court of Mixed Commission; the Monition issued, and the witnesses produced for examination.

At the same time the disembarkation of the slaves was petitioned for and complied with, on the Colonial Government consenting to receive them.

The Declaration of the Captor stated, that he had seized the said schooner, on the 25th September, 1837, in latitude $1^{\circ} 29'$ north, and longitude $5^{\circ} 56'$ east, in an alleged voyage from Bonny to Havana, for having a cargo of slaves on board, of whom 15 were at that time sick.

The Master of the schooner, and the Cook, Francisco Diaz, were examined on the 20th instant by the Registrar on the standing interrogatories; to which the said Master gave the following replies:— "That he was born at Lisbon, has no settled place of residence, is a subject of Portugal, and has never served any other State; is not married. He appointed himself to the command, being Owner; got possession of the vessel at Havana about 6 months since from the former Master and Owner, whose name he does not remember, but he is a Portuguese; first saw the said vessel at Havana about 6 or 7 months ago; she is American built. He was present when the vessel was captured with slaves on board; had no colours but Portuguese. The vessel has never had any other name to his knowledge than '*Primorosa*;' she is 58 tons burthen, and had 15 Officers and mariners exclusive of witness, chiefly Portuguese and a few Spaniards, all shipped and hired at Havana by witness in May last. He was sole Owner of both vessel and cargo; none of the Officers nor mariners had any interest in either; was Master on board; there was no passenger. The last clearing port was Havana, and the voyage commenced and was to have ended there; from Havana the vessel proceeded to Bonny, where she shipped slaves. The capturing vessel was first seen on the 25th September, to the southward and within sight of the Island of St. Thomas; capture took place the same day, after a chase of about 4 hours; witness was steering for Cuba at the time, and made every endeavour to escape; there are no guns nor ammunition, and but 8 muskets on board; there was no resistance made, and there were no instructions for destroying or concealing any of the Vessel's Papers. He is sole Owner of the vessel. There was a Bill of Sale from the former Owner; witness lost it at Havana, does not recollect the date, there were no witnesses; the price was 2,000 dollars, and was all paid in cash, and was a fair equivalent for the vessel; if the vessel be restored it will belong to witness only; there was no private agreement. He is the sole Owner, Lader, and Consignee of the cargo; intended to have landed the slaves at Porto Rico, or some port in Cuba, as circumstances favoured; and if they should be restored they will belong to him only. He knows nothing of the former voyage; the cargo brought out on the present occasion was a general one of tobacco, rum, powder, beads, &c. The present cargo is slaves; 189 were taken on board altogether, all from the shore; does not remember their descriptions; 6 died before capture and 41 since. After seizure the vessel was taken to Sierra Leone. The Papers found on board were and are all true and fair; no Papers were destroyed, concealed, or made away with, except the Log-book, which, during his absence on board the man-of-war, was taken by the Portuguese sailors, and torn up for cigars. He knows of no other Papers in any country relating to the vessel and cargo. There was no Charter-party. Neither vessel nor cargo is insured; the vessel was under witness's sole management; bulk was broken at Bonny. No slaves have been disembarked since capture."

Francisco Diaz's evidence was nearly a repetition of what the Master had deposed to, excepting only as to the Bill of Sale of the vessel, the existence of the Charter-party, and the insurance of vessel and cargo, of all which he declared himself ignorant.

The statements of the Master, that he did not remember from whom he had purchased the vessel, and that the Bill of Sale of her had been lost, although he has only been in connexion with the detained schooner between 6 or 7 months, can only lead to the conclusion that he had no interest whatever in the said vessel beyond the command of her.

During the period the Prize-Officer had charge of the slaves of this vessel 41 of them died from disease, as was shown by that gentleman's Affidavit filed on the 23d inst.

Publication in the Case was granted on the 24th instant, and the 28th was appointed for the trial of this vessel; previous to which a Petition was presented, asking that the Marshal to the Court should be allowed to relieve the Prize-Officer of his charge of the detained schooner, in order to allow him to leave the Colony in a man-of-war then proceeding to the Leeward Coast; to which application assent was given.

The Monition, issued on the 20th instant, was duly returned on the 26th, when the Court met to adjudicate this vessel, and a sentence was pronounced of condemnation of the vessel and cargo, and emancipation of the 136 slaves, the survivors on that date of the 182 originally seized in the said schooner.

Sierra Leone, 30th October, 1837.

(Signed)

R. DOHERTY.
WALTER W. LEWIS.

SIERRA LEONE. (*Netherlands.*)

No. 50.

His Majesty's Commissioners to Viscount Palmerston.—(Received September 12.)

MY LORD,

Sierra Leone, 30th June, 1837.

WE have the honour to report to your Lordship, that no Case has come before the British and Netherlands Mixed Court of Justice, established in this Colony, during the half-year ending on the 30th instant.

We have, &c.

(Signed)

R. DOHERTY.

WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

SIERRA LEONE. (*Brazil.*)

No. 51.

His Majesty's Commissioners to Viscount Palmerston.—(Received July 5.)

MY LORD,

Sierra Leone, 25th February.

WITH this Despatch we have the honour of transmitting, for your Lordship's information, our Report of the Case of the ship "*Incomprehensivel*," seized under Portuguese colours with a cargo of slaves on board, in 23° 56' south latitude and 16° 16' west longitude, by His Majesty's brigantine "*Dolphin*," in consequence of the Commander of that cruiser finding from her Papers that she was owned by persons residing at Rio de Janeiro, and that she was therefore not entitled to protection from seizure, under her Portuguese flag and passport, which, he appears to have considered, had been assumed for colourable purposes.

The detained ship arrived here on the 27th January, and the usual proceedings were immediately instituted for prosecuting her for a breach of the Treaty for the abolition of the Slave Trade between Great Britain and Brazil, and which terminated on the 17th instant in the condemnation of the vessel, and the emancipation of the 506 surviving slaves of the cargo.

In this case very lengthy evidence was adduced, to much of which it is here unnecessary to allude. It will, we think, appear clear to your Lordship that the following facts were distinctly elucidated, which, we submit, were sufficient for us to proceed upon to the decision pronounced, under your Lordship's instructions respecting the Case of the "*Maria de Gloria*."

It was proved that the vessel was owned by a resident Foreign Merchant or Merchants of Rio de Janeiro, where she was fitted out, and dispatched with a cargo, shipped in that port by residents there, to Mozambique, evidently on a slaving voyage: that she went to ports in the Mozambique Channel under the direction of one Luis Antonio de Carvalho e Castro, a person who has been notoriously engaged in the Slave Trade, as we shall hereafter distinctly show, and there embarked upwards of 700 slaves, purchased with the goods (as far as we had the means of judging) shipped as the outward cargo at Rio de Janeiro: that the cargo of slaves was cleared out in an irregular manner by the Authorities of Mozambique, her Passport not authorising her to carry slaves: and that the vessel did not attempt to proceed towards Angola, the destination assigned in her Papers, after rounding the Cape of Good Hope, but kept a direct course for Rio de Janeiro until the day of capture, to avoid which every effort was exerted. From the course pursued, as above stated, and the latitude in which she was found, it is plain she was destined with slaves to the Brazils.

The Master and Claimant of the vessel and cargo desired that his claim should rest solely on his unsupported testimony, as all the official and other papers, which were calculated to throw light upon this subject, he declared to have been obtained under false representations, or fabricated under his directions to suit his private objects.

This vessel appears to have been for some years employed in a questionable kind of trade (so far back as 1827), when the Master states he knew her under the Portuguese flag at Angola, whither, there can be little doubt, she went on a slaving voyage.

The evidence in the Case proves her to have gone under the several names of "*Marcial*," "*Emprendedora*," and "*La Leguria*," previous to her bearing the title of "*Incomprehensivel*."

Luis Antonio de Carvalho e Castro, the Master of the "*Incomprehensivel*," is the same person referred to by the British Commissioners at Rio de Janeiro, in the case of the "*Amizade Felix*," seized under the Portuguese flag, and belonging to the Monte Videan Company for importing slaves under the name of Colonists

into the province of Uruguay, and other places in South America; at the head of which the outlawed Brazilian subject, Teodoro Villaca, and L. A. de Carvalho e Castro, appear to be. This Carvalho is also described in that case as having been the shipper of the slaves of the "*Rio de Plata*," taken under Monte Videan colours, and prosecuted to condemnation before the Mixed Commission at Rio. His notoriety as a slave-dealer, and his determination to persevere in that traffic, seem, therefore, to be beyond all question.

May it not, My Lord, reasonably be suspected, that this vessel cleared out at Rio to some extent fitted for the Slave Trade, when the slave boiler appears to have been the only article of slaving equipment purchased or shipped at Mozambique?

We have, &c.

(Signed)

H. D. CAMPBELL.

WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 51.

Report of the Case of the Ship "Incomprehensivel," under Portuguese Colours, of which Luis Antonio de Carvalho e Castro was Master.

This vessel was provided with the under-mentioned official Ship's Papers by the Government of Mozambique, bearing date in November of last year, authorizing a voyage thence to Lisbon, touching at Angola.

1. Passport, describing the vessel to be owned by Agostinho Augusto de Faria, and commanded by the above-named Carvalho e Castro. There is no authority to carry slaves.

2. A Muster roll of the crew, which also expresses that 784 slaves have been embarked as passengers.

3. Custom-house Certificate of the embarkation of 582 slaves by Miguel Castone Pinto, of Mozambique, and the transhipment of re-embarkation of 200 from the Portuguese barque "*Emprehedora*."

4. Custom-house Clearance, addressed to the authorities at Angola for the above-mentioned slaves, and one box of tortoise-shell.

In addition to the foregoing Ship's Papers, there were found on board this vessel at the time of, and subsequent to her detention, a Log-book of her voyage from the date of her leaving Mozambique to the time of seizure, and 62 other Documents, which appear to be as follows:—

Papers dated at Rio de Janeiro.

1. Portuguese Consular Certificate of the sale of the Sardinian vessel "*La Leguria*," by Joao Baptista Viale to Agostinho Augusto de Faria, a Portuguese subject resident at Rio, on the 26th February, 1836, for 10 contos of reis; she was named by her purchaser "*Incomprehensivel*."

2. Certificate of payment of the duty on wood, chargeable on the above sale agreeably to the Brazilian laws.

3. Charter-party, made on the 18th January, 1836, between Faria, the proprietor of the detained vessel, L. A. Carvalho e Castro her Master, and J. B. Viale, the former Owner, for a voyage on the joint account of the last two-named persons, to Goa and Mozambique, returning to Rio de Janeiro by way of Monte Video. The freighters to find the crew of the vessel, and pay to the Owner 14 contos of reis for her use; a sum greater, by 4 contos of reis, than the stated cost of the vessel to Faria.

This Document, which was alleged by the claimant to be most important in the course of the Case, is unsealed, and has not even the signature of a witness. Its bearing date one month previous to the completion of the Bill of Sale to Faria, by which alone he could possess legal power to enter into such a contract, is in itself sufficient to invalidate it.

4. A Letter of Instructions to the Master, Carvalho, and Joao Baptista Viale, the presumed Super-cargo of the vessel, for the disposal of the outward cargo, and giving directions for what was to be procured in return, from Vicente Domingo Saporiti, dated Rio, 13th April, 1836. To this letter Saporiti subscribes himself as "*Cashier of the Society*." This is a Document which was considered of very great importance in the Case, and we have accordingly annexed hereto a copy of the same, which renders unnecessary a more extended description of it in this place.

5. A Bill of Parcels, and receipt for 6 dozen shoes, bought apparently for shipment by Saporiti.

Papers obtained at Inhambane.

1. Authority to land for sale some "*Bolacha*" (a sort of cake), dated 4th August, 1836, and signed by the Governor and Captain-Major, Candido Maximo Moules.

2. A Letter of thanks from the said Governor to Carvalho, the late Master of the detained vessel, for a 20-dollar subscription for some object not distinctly stated.

3. A Letter from the said Governor, Moules, advising Jaco Foucard that he was sending (to Mozambique it is supposed) by the bearer 2 negroes to be sold, and directing the proceeds thereof to be remitted to him in cloth, wine, and spirits.—Dated the 27th July, 1836.

Foucard was connected with the parties concerned in this vessel, as was evident from Carvalho consigning some goods to him during the "*Incomprehensivel*'s" stay in the "Mozambique" channel. Ultimately he shipped in this vessel as the First Mate, in the room of the one who left at Mozambique.

4. A bundle, containing 5 miscellaneous Documents.

Papers dated at Mozambique.

1. Certificate of landing there from Rio some goods mentioned in "Saporiti's" Letter, and an Authority for selling certain goods by auction.

2. Certified Copy of the Process instituted by the First Mate for the recovery of his wages for the outward voyage, in which Viale is styled, and appears to the citation without protest apparently, as Master of the vessel, and in which Carvalho designates himself Supercargo.

3. A Letter addressed to Carvalho by Miguel Caetano Pinto on the 12th November, 1836, respecting the slaves to be conveyed in the "*Incomprehensível*" on Pinto's account to Angola, and the voyage thence to Lisbon, and covering a Charter-party for the said voyage. Copies of both these Papers are subjoined, as the claimant in this case somewhat rested his defence upon them.

It is a very suspicious circumstance that the said Letter should have been addressed to Carvalho at Angola, whilst he was actually with Pinto at Mozambique when that Letter was prepared by the latter person.

4. A Letter of Advice from Pinto to his Correspondent at Angola, Francisco d'Assis Pereira, sending him Copy of the Charter-party above alluded to, and giving general directions concerning the same. This was a sealed packet when lodged in Court; but being addressed to the acknowledged Correspondent of the shipper of the slaves, we thought it right to open it.

5. A parcel, containing 5 miscellaneous Papers.

6. A bundle, containing 15 carefully-endorsed Receipts for various expenses in supplying ship's and cabin stores, and trifling articles for the equipment of this vessel whilst at Mozambique.

7. A bundle of 10 Custom-house Receipts at Mozambique.

Miscellaneous Documents.

1. Bills of Lading (Two) for cargo shipped in this vessel at Rio by the said Saporiti and Carvalho; 1 for a transshipment by Carvalho at Inhambane for Mozambique in the schooner "*Mindela*;" and 3 others for the like purpose by the sumacca "*Fatti Icitama*." The last 2 vessels may, we think, be presumed to have belonged to, or were in connexion with, "the Society," of which Saporiti and Carvalho were the agents.

2. A parcel, containing 9 private Papers.

3. Sealed packets, directed as hereunder, and which are herewith forwarded to England in order to their reaching their addresses:—

1. The Secretary of State, &c., Lisbon.
2. Señor Vicente Tomas dos Santos, Lisbon.
3. Señor Bento Antonio d'Andrada, Lisbon.

We have been thus particular in describing the whole of the Papers found in this vessel, in order that, in the subsequent parts of the Case, the references which will necessarily be made thereto may appear distinct.

This vessel, having on board the slaves mentioned in the Papers previously described, left Mozambique on an ostensible voyage to Angola in the first instance, and ultimately for Lisbon. The route pursued, after passing the Cape of Good Hope, was not, however, for Angola, but South America; half-way across in the passage to which continent she was met with by His Majesty's brigantine "*Dolphin*," the Commander of which cruiser, considering, from some of her Papers, that she belonged to residents of Brazil who were carrying on the Slave Trade, and thereby infringing the provisions of the Treaty between that country and Great Britain for the suppression of that Traffic, detained and sent her here for adjudication on these grounds, which are more fully set forth in his Declaration, which document will be transcribed in its place in this Report. The "*Incomprehensível*" reached Sierra Leone on the 27th ultimo, and was immediately visited by the Marshal and Surgeon to the Courts, who respectively made their Official Reports upon the detention of the vessel, and the condition of the slaves on board of her. From the Surgeon's Report it appeared that 83 of the slaves had died since capture, chiefly of dysentery and scurvy; and that there were 103 cases at that moment for hospital treatment. The scurvy and dysentery, which were still prevalent among them, were of a severe type; and of the ophthalmia cases 3 were irremediably blind. The healthy-looking slaves were very sprightly. They were all, however, recommended for immediate landing, notwithstanding their vessel was of an unusually large description for employment in the Slave Trade, as her accommodations were quite inadequate to their proper treatment.

A subsequent Report was made on the 29th ultimo by the Surgeon, in which he stated, that several cases of scurvy having been found among the slaves of this vessel at the first inspection of them, he had been led, as soon as circumstances admitted of so doing, to make a more minute examination of those not pointed out for medical care, and that he now found a scorbutic taint to prevail generally among them: 77 of these slaves seemed to be suffering so severely from this disease as to need at once hospital treatment; and, with the view of preventing the further extension of the malady, it was suggested by the Surgeon that the remainder of these negroes should be supplied daily with the quantities of fruit and vegetables which he specified. All these arrangements were, without delay, fully carried into effect.

The filing in the British and Brazilian Mixed Commission Court of the Ship's Papers, duly authenticated, together with the Declaration of the Captor, took place on the 28th ultimo, when the customary Monition issued, which was returned on the 4th instant, duly certified; and the witnesses produced were ordered to be examined.

The Captor's Declaration is in these words: "That on the 23d December, 1836, being in latitude 23° 56' south, longitude 16° 16' west, he detained the Brazilian ship named the '*Incomprehensível*,' belonging to Rio de Janeiro; after a chase of 7 hours, and showing no colours till a shot had passed over her, when she hoisted Portuguese, having the flags of almost every nation on board; she is armed with 4 guns, 6-pounders, commanded by Luis Antonio de Carvalho e Castro, who declared that he had left his Brazilian Papers behind at Mozambique, and producing none but a Passport and Custom-house Clearance from that place, and that he was bound from Mozambique to Lisbon, touching at Angola; but from a Document which was secreted in the Captain's desk, from his Owner at Rio de Janeiro, he was directed to return from Mozambique to Rio de Janeiro, touching at Monte Video, and evidently complying with these instructions from his being found more than half-way across the Atlantic, and steering for that place; other Papers, found concealed in the same desk, will identify the vessel as belonging to Agostinho Augusto de Faria, of Rio de Janeiro, and which the Captain of her, in his statement, acknowledges and confirms. I have, therefore, detained her for a breach of the Treaty entered into between His Britannic Majesty and the Brazilian Government."

The witnesses in preparatory produced by the Captor were Luiz Antonio de Carvalho e Castro, the

Master of the detained vessel, Joao Batista Viale, described as a passenger, and a seaman named Manuel Gomez, who were all examined by the Registrar on the 31st ultimo.

The Master's replies to the standing interrogatories were, that "he was born in Villa Real, in Portugal; lives in Rio de Janeiro; has resided there about four or five years altogether, at different periods; is a subject of Portugal, and has never served any other State, and is not married." He took the command himself at Mozambique, in November last, being previously Supercargo, the former Master, Luis Ferreira de Arango, who was appointed by witness at Rio de Janeiro, having proved himself unfit to perform the duties; and upon occasion of witness taking command, he made the said Luis Ferreira Second Mate. First saw the said vessel in 1817, in Angola; thinks she was built in France. He was present when his vessel was captured; believes she was detained on account of having slaves on board. Sailed under Portuguese colours; there were also one French, one English, one American, one Dutch, and two Brazilian ensigns; they were on board for the purpose of dressing the vessel on gala days. The vessel's name is '*Incomprehensível*,' believes she has been so called since January or February last. First knew her under the name of '*Marcial*,' she was then at Angola, and sailed under the Brazilian flag; believes she was also called '*Leguria*,' and also another name with which he is not acquainted. She is 538 tons burthen, and had about 21 Officers and mariners, exclusive of witness. The First Pilot and one seaman are French, the Bontswain and two mariners are Genoese, one seaman is a Spaniard, and the Second Pilot (who was formerly the Master) and the remainder of the crew are Portuguese; all shipped and hired at Rio de Janeiro (except two seamen, who were taken on board at Mozambique) by witness, in March or April last. He is part Owner of the cargo (206 of the slaves belonged to witness), and joint freighter of the vessel with Joao Batista Viale, a passenger on board; none of the Officers or mariners had any interest in either the vessel or cargo. Is Master on board; there were 8 passengers, viz., Theodorica José de Abranches, deputy from Mozambique to the Portuguese Cortes, and passenger for Lisbon; a Portuguese, named Brito, Master or Supercargo (witness does not know which) of the Portuguese barque '*Emprendedora*,' and two negro slaves, passengers for Angola; the above-named Joao Batista Viale, a seaman by profession and a native of Genoa, with his servant, a Genoese boy, passengers for Lisbon; and two Spanish mariners, put on board by the Governor of Mozambique for a passage to Angola or to Lisbon. The present voyage commenced at Rio Janeiro, and witness intended to have ended it at Monte Video, or Buenos Ayres, or Rio Janeiro, according to circumstances; the last clearing port was Mozambique. From Rio Janeiro the vessel proceeded to Inhambane, where she arrived on the 12th June. Witness remained nearly three months, and sold and bartered his cargo for rice, money, slaves, &c.; received about 85 slaves, and took on board about 280 or 290 more slaves as passengers for Mozambique, where he arrived on the 23d September, and where he traded with the remainder of his cargo and took on board the remainder of his slaves, and sailed from thence on the 12th November for Angola, and was captured on his passage thither. He first saw His Majesty's schooner '*Dolphin*,' on the 25th December; does not know the latitude exactly; thinks it was about the same as St. Helena. Capture took place in 28° south latitude, and about 5° or 6° west longitude, according to the reckoning of witness's Pilot; but according to the '*Dolphin*'s reckoning 16° west. (Witness accounts for the error in the reckoning by stating that the person who had charge of his chronometer forgot to wind it up.) Chase commenced about 11 o'clock A.M., and capture took place about 5 P.M.; the course of the vessel was not altered, nor any additional sail hoisted on the appearance of the capturing vessel, and her course was at all times direct for Angola from the time she left Mozambique. There was one gun mounted, a few pistols and cutlasses, and a small quantity of powder; there was no resistance made, or instructions to make any, or to avoid capture, or for concealing or destroying any of the Vessel's Papers. Augustinho Augustin Faria is the Owner of the vessel; knows it from the Certificate (No. 5) from the Portuguese Consulate at Rio, and from having freighted the vessel from him. The said Faria is a Portuguese by birth and allegiance, and resides at Rio Janeiro; cannot say how long he has lived there, or where he resided previously; the said Owner is not married. He believes there was a Bill of Sale from Joao B. Viale to Faria; but witness knows nothing further about it than is contained in the Certificate from the Portuguese Consulate (No. 5); having never seen the said Bill of Sale. Knows nothing about the price of the vessel; but believes the sale to have been a true one, and that the vessel, if restored, will belong to the said Faria. Knows of no private agreement. He is himself the sole Owner of all the cargo now on board, except the slaves, of whom 579 are the property of Miguel Camano Pinto, a merchant and native of Mozambique, and a subject of Portugal. Witness laden the whole cargo, and the Consignee at Angola (at which place it was intended to land the said slaves on account and risk of witness and the said Pinto) was one Francisco de Assis Pereira, a merchant of that place, and a Portuguese subject. The said Pereira has no interest in the said slaves, who, if restored, will belong to witness and the said Pinto, and to none others. Knows it from having sold Pinto some (about 40) of the said slaves, and having made an agreement with him for the freight of the whole 579, at the rate of 30 dollars a-head. He knows nothing about the last voyage; the cargo shipped at Rio consisted of aguardiente, handkerchiefs and cloth, wine (Geneva), flour, butter, &c. The present cargo consists chiefly of slaves; there is also some rice and some tortoiseshell. The whole number of slaves shipped was 785; does not know their particular descriptions; took 371 on board at Inhambane, all of whom were landed at Mozambique. Witness shipped altogether upon the last occasion 784, all of whom were shipped from the shore; great part, however, were of the cargo (371) which he had brought from Inhambane, and part consisted of a portion of the cargo of the Portuguese barque '*Emprendedora*,' and purchased by witness at Mozambique. The detained vessel was taken first to Ascension, and thence to Sierra Leone after capture. The Papers found on board were all true and fair; none of them are false or colourable. No Papers were destroyed, concealed, or made away with. He knows of the existence of no other Papers relating to the vessel or cargo. There was a Charter-party between Viale, witness, and Faria. Witness's Copy he dispatched from Mozambique to his correspondent at Rio: Vicente Domingo Saporiti, a merchant and resident in that city, and married to a Brazilian lady, for the purpose of having the same altered so far as regarded Viale being a party to it. Believes the said Viale had also a Copy of the said Document. Neither the vessel or cargo is insured; the vessel has been under witness's management, and witness corresponds with Saporiti, who has been his agent for some years. Does not know what nation the said Saporiti is of; he was a physician before he engaged in business. Bulk was first broken at Inhambane; no slaves have been disembarked since capture and previously to arrival in this port."

The evidence of J. B. Viale confirmed that of the Master in all the material points, excepting as to the port where the voyage was to terminate, which he declared was Lisbon, and not Monte Video or

Buenos Ayres as Carvalho had stated. Viale professed to be ignorant as to who owned the cargo of slaves, or if Carvalho had any interest therein, and also as to the authenticity of the Papers found on board of the detained vessel. He stated that Carvalho was nominally supercargo on the outward voyage, but really Master; and that he had formerly known the said vessel by the names of "*Marcial*" and "*Imprehendatone*," and on his purchasing her she was called by him "*La Leguria*."

Gomez, the seaman, in answer to the standing interrogatories, gave testimony similar to the previous witness, but of a more limited character, as his station on board did not afford him the opportunity of learning much of the affairs of the vessel. This witness confirmed Viale's statement, that the voyage was to end at Lisbon, and like him professed entire ignorance as to the character of the Papers found on board the detained ship. As to the ownership of the slaves, Gomez deposed he believed that to be in a Merchant of Mozambique, of whose name he was ignorant; his reason for so thinking was, that the Merchant alluded to had advanced the crew of the said vessel a month's wages. Gomez also stated that Carvalho, the Master of the said vessel, had been a resident of Monte Video, previous to establishing himself with his family at Rio de Janeiro, where he has lived for some time past.

The Prize-Officer's affidavit, accounting for the number of deaths amongst the slaves during the period they were in his charge, was brought in on the 4th instant, and showed that 91 casualties had taken place—

On the 14th instant, the Proctor for the Captor presented an affidavit of the Prize-Officer, authenticating a Chart which had been prepared from the Log-book of the detained vessel, describing her track, after leaving the Cape of Good Hope, to have been direct for some place in the Brazils, and which placed her exactly in the position in which she was declared by the Seizor to have been found according to the reckoning of His Majesty's brigantine "*Dolphin*."

The Prize-Officer in the said Affidavit also deposed that the chronometer on board the said vessel, which had been referred to by the Master in the evidence taken in the cause, as having been at the time of seizure run down and out of order, "had been used by the Deponent on the passage to this port, and that it had been in perfect order during the whole of that time, and also that his reckoning by the said chronometer had been found by him to be correct to a mile."

With this evidence, the Case for the Captor closed.

The defence of the Claimant in this Case, Luis Antonio Carvalho e Castro, the Master of the detained vessel, was commenced on the 3d instant, by the filing of his claim, and an Affidavit in support thereof. Both these Documents are inserted at length, and are as follows:—"The claim of the said Luis Antonio de Carvalho e Castro, the Master of the said ship, a subject of Her Most Faithful Majesty the Queen of Portugal, for the said ship, her tackle, apparel, and furniture, goods, wares, and merchandize, and 694 Africans, or so many thereof as were on board the said ship at the time of the capture thereof by His Majesty's brigantine "*Dolphin*," Thomas Lorey Roberts, Lieutenant commanding, and brought to Sierra Leone, and for the value of such of the slaves as may have departed this life since the said capture; for the said ship, her tackle, and furniture, as the sole property of Augustinho Augusto de Faria, a resident Merchant of Rio de Janeiro, and a native of Portugal, and her cargo as aforesaid, that is to say, 540 Africans are the property of Miguel Cartano Pinto, a native and resident of Mozambique, and 154 Africans as the property of himself, the said Master, and also the following articles purchased by him the said Master, on his own private account, namely, a chronometer, 60 to 62 pounds of tortoiseshell, 80 bags of rice, 40 bags of cassada flour, 2½ pipes of spirits, 16 Mozambique mats, 3 half barrels of American flour, 1 cask of salt pork, and a few small kegs of fish, vinegar, wine, oil, &c., and 1 large copper boiler; and as protected by the Treaty or Convention between His Britannic Majesty and Her Most Faithful Majesty, dated the 28th July, 1817; and for all costs, charges, losses, damages, demurrage, and expenses as have arisen or may arise by means of the capture and detention of the said ship and her cargo as aforesaid."

In support of the above Claim, the following Affidavit of the Master Carvalho was filed.

"Appeared personally the said Luiz Antonio de Carvalho e Castro, the Master of the said ship, and maketh oath, that he is a subject of Her Most Faithful Majesty the Queen of Portugal, and was Master of the said ship at the time of the seizure and detention thereof by His Britannic Majesty's brigantine of War '*Dolphin*,' Thomas Lorey Roberts, Esq., Lieutenant commanding, and that the said ship was so captured and detained, on the 23d day of December last, in the prosecution of her voyage from Mozambique, on the eastern Coast of Africa, to Angola, on the western Coast of the same Continent, with a cargo consisting of 674 African, and brought to Sierra Leone. And he further maketh oath, that Augustinho Augusto de Faria, a Portuguese merchant, now resident at Rio Janeiro, a subject of Her Most Faithful Majesty, was, at the time of the said capture and detention, and now is the true, lawful, and sole Owner and Proprietor of the said ship '*Incomprehensivel*,' her tackle, apparel, and furniture. That deponent is the true, and lawful, and sole Owner and Proprietor of 154 Africans, who are all that remain of the 206, purchased at Inhambane and Mozambique, and shipped on board the said ship for the account and risk of this deponent. That two of the said Africans were domestics of a merchant at Mozambique, and were purchased by deponent, as being persons qualified to attend upon deponent, namely, Vincente, as Cook, for 285 dollars, and Cutano, as Steward, for 200 dollars, without any intention on the part of this deponent to dispose of them to any other person; and that deponent is the true, lawful, and sole Owner and Proprietor of the several articles mentioned and enumerated in the aforesaid claim. That Miguel Cartano Pinto, a merchant of Mozambique, is also the true, lawful, and, as deponent believes, the sole Owner and Proprietor of 240 Africans, the residue of 579, originally shipped by him, on freight in the said ship. And deponent further maketh oath, that he verily believes the said ship, and everything laden on board, and the slaves, are protected by the Treaty or Convention between His Britannic Majesty and her Most Faithful Majesty, alluded to in the Claim. That this deponent, with certain goods, merchandise, and monies, proceeded from Rio Janeiro on the said voyage, and arrived off Inhambane, on or about the 12th day of June last, and on the change of the moon, on or about the 14th day of the same month, the said ship was got into the Channel. That on or about the 10th day of July following, deponent was ready to proceed to sea with the said ship, and thereupon received sundry Despatches, to be by this deponent delivered to the Governor of Mozambique, but being unable to proceed to sea from the badness of the weather, and the state of the Channel, the same were delivered by this deponent to the Master of a small Portuguese vessel then in the vicinity. That while still detained, as aforesaid, at Inhambane, the said ship was visited by the Officers of His Britannic Majesty's brig "*Leveret*," who found the said ship then under Portuguese colours, that is, on the 24th day of August last, and again, on or about the 20th of September following, while she lay off Mozambique, and which circumstance deponent has heard, and believes was, by the Commander of the said brig "*Leveret*" duly reported to the Admiral in command

on the African Station. And deponent further maketh oath, that the said ship took on board for a passage to Mozambique, a number of Africans, and deponent also purchased others, so that at the time of the said ship being boarded from the said brig-of-war 'Leveret,' she had about 371 Africans on board. That on deponent's arrival at Mozambique, the doubts he had begun to entertain, while at Inhambane, of the propriety, after so much delay, of proceeding to Goa, were confirmed, and he finally resolved to purchase more Africans, from the lowness of their price at Mozambique, and accept the offer made deponent to receive others on freight, and proceed with the whole to Angola, where deponent learnt considerable profit could be made on their sale, and for this purpose altogether rescind the arrangement entered into by deponent and Joao Baptista Viale, which, with the consent of the said Joao Baptista Viale, was done accordingly, and his interest in the Charter abandoned. That deponent having received on board 579 Africans from Miguel Cartano Pinto on freight to Angola, at the rate of \$0 dollars for each African, and with those also purchased at Inhambane and Mozambique, belonging to deponent, the said ship, on or about the 12th day of November last, left Mozambique, intending to proceed to Angola, and from thence direct to Lisbon, according to an agreement entered into by this deponent and the said Pinto; and that it was stipulated in the said Agreement, that deponent should deliver the Africans shipped by Pinto to one Francisco Periera de Assis, and remain there 60 days, to receive a cargo for Lisbon, also on freight, to consist of such articles as are usually exported from thence to Europe, consisting of ivory, dyewood, wax, hides, and other legitimate articles of commerce; and that if not despatched within that period, 20 dollars demurrage for each and every day beyond that time was to be paid by the Agent at Angola of the aforesaid Pinto. And he, deponent, further maketh oath, that from the time of leaving Mozambique to the time of the seizure and detention aforesaid, the said ship was always kept, when wind and weather permitted, direct in her course towards Angola; that, by the negligence of the Pilot, the chronometer was at one time suffered to go down, and deponent verily believes that from this cause and the conflicting currents, which evidently to this deponent they experienced off the Cape of Good Hope, occasioned the said ship to be found by the said capturing vessel to the westward of her course. That about 9 in the morning of the 23d day of December last, the said capturing vessel was discovered from the '*Incomprehensivel*.' That the crew of the said ship were alarmed, and declared her to be a pirate, and pressed this deponent to hoist a flag of some other nation than their own, alleging, that by hoisting their own it would be suspected slaves were on board. That deponent observed the vessel hoisted English colours, and immediately ordered his own, the flag of Portugal, to be hoisted and at the time the said ship, '*Incomprehensivel*' was taken possession of by the 'Dolphin,' she had the Portuguese flag flying, and which flag was allowed to remain so hoisted until the afternoon of the 24th of the said month, when deponent, being then on board the 'Dolphin,' saw that a Brazilian flag was displayed, and the Portuguese flag hauled down. And that deponent on again returning to his vessel, addressed himself to the Prize Officer, to ascertain the reason for such a proceeding, when the said Officer informed this deponent he acted according to his orders; that deponent then declared to the said Officer, that the Brazilian flag was not the national flag of the said vessel, but no notice was taken of deponent's representations, and the Brazilian flag has ever since been hoisted on all occasions by the Captors. And deponent further maketh oath, that a gentleman, named as Deputy to the Portuguese Cortes, named Theodorica Joze de Abbranches, had taken a passage with deponent to Lisbon, calling at Angola, and paid for the same, on behalf of himself and family, consisting of 1 son, 3 black, and 1 white servants, the sum of 1500 dollars; and at the representation of the Governor of Mozambique, against leaving behind Joao Baptista Viale, deponent consented to take him on to Angola, or on from thence to Lisbon, as he might require. That deponent, on leaving Rio, was not in command of the '*Incomprehensivel*,' but was considered as supercargo, Luiz Ferreira de Arango holding that office; but that on entering into the new arrangements for the voyage at Mozambique, as before alluded to, deponent found that, unless he took upon himself the command, no confidence would exist in the minds of the party who was freighting the said ship, and this induced deponent to take the command, and have the necessary documents made in his name as Master; and this deponent considered that he was fully authorised so to do, by the tenour of the agreement entered into for the said ship between himself and the owner Faria. That the deviation from the original voyage, and every particular, were duly forwarded by this deponent to his agent at Rio, Vicente Domingos Saporiti, for the purpose of enabling him to make such other agreement or confirm the first (changing the destination), as he might consider most for the interest of this deponent, with the owner Faria; and also informed the said agent that so soon as the cargo of the said ship was discharged at Lisbon, another would be, if possible, without delay procured, and the ship proceeded with to Rio, intimating that deponent hoped upon the whole no more time would be consumed in completing the new arrangements than the original voyage was calculated to occupy. And deponent further maketh oath, that he arrived at Rio de Janeiro in February, 1836, and that from the time he first saw the '*Incomprehensivel*,' and until the time of her capture as aforesaid, he never at any time saw her hoist the Brazilian flag, but on the contrary she always hoisted the flag of Portugal. That deponent has several times seen the said ship alluded to in the Brazilian newspapers, and that she was always described as a Portuguese vessel. That the circumstance of her having on board the flags of various nations, besides her national flag of Portugal, is lawful to the subjects of Portugal, and of general practice in merchant vessels of a superior size. And deponent further maketh oath, that on leaving Rio he had not the remotest idea of engaging in the Slave Trade, and therefore made no preparations for the same; and especially had no slave-coppers, the one now on board, and lately in use, made of copper, and also one of iron, were purchased by this deponent at Mozambique. And he further maketh oath, that no person or persons, other than the persons before-mentioned, have any right, title or interest in the said ship, her tackle, apparel, and furniture, goods, ware, merchandize, or slaves on board the same at the time of the capture and seizure thereof, and that he is duly authorised to make the claim hereunto annexed; and that the same is a true and just claim, and that he shall be able to make due proof and specification thereof."

At the instance of the proctor for the claimant, special interrogatories were prepared and put to the said Master, Carvalho, and J. B. Viale. On the 13th instant, their examinations were taken on these questions.

Carvalho deposed, "that, on quitting Rio Janeiro, the vessel was provided with a passport, granted by Joaquim Antonio de Magalhaes, the Portuguese Ambassador at the Court of Brazil: this document was delivered up to the authorities at Mozambique, according to the usual practice on such occasions. He was also provided with a Muster-roll, signed by Bernardo de Carvalho, Chancellor to the

Portuguese Consulate at Rio: this document was in like manner with the passport delivered up to the authorities at Mozambique. He did receive a letter from Saporiti relating to the cargo, and Batista Viale was furnished with a duplicate. Saporiti is witness's correspondent, and wrote those letters by witness's instructions, as a precaution, that in case of witness's death the property might be returned to his family: the duplicate which was given to Viale is amongst the ship's papers; witness's copy was left at Mozambique with other property in charge of Pinto, to be forwarded direct to Rio Janeiro. The reason the whole of the slaves were shipped in Pinto's name was, that there is a law in Angola (which extends to all the Portuguese settlements) that when a man dies there, if he leaves no heir in the place where he dies, his property is seized by the authorities, and it is generally very long before the representatives of the deceased receive the proceeds, and witness was desirous, in case of anything happening to him, to cover the property by having it shipped in Pinto's name, in such a manner as to avoid this risk of delay. He received a letter from Pinto, stating that he had shipped seven hundred and seventy-nine slaves, of which number, however, only five hundred and seventy-nine belonged to Pinto; the reasons were the same as those stated in the preceding interrogatory (eighth), and that in case of witness's death there might be no discrepancy between the Custom-house certificate and this letter. One Julião was recommended at Rio to witness by Viale, and witness authorized Viale to ship him as first mate, which was done accordingly. Julião left the vessel at Mozambique; witness did not make any effort to retake him, though he left the vessel without witness's consent. Julião complained against M. Viale, whom he alleged to be the cause of his leaving the ship, and to whom he looked for his wages.

"Witness supposes, because Viale shipped him, and the reason he was called Captain is, that M. Viale, being a Master mariner, was always so designated. He was not at Rio when Faria purchased the '*Incomprehensivel*,' but was acquainted with him previously as a merchant; and it was at the time witness was about freighting this vessel that he was recommended by Saporiti and others to inquire of 'Viale,' the former owner, what kind of a vessel she was, and it was in consequence of these inquiries that witness became acquainted with Viale. The proposition of joining in the Charter-party originated with Viale, who offered and paid four contos of reis in paper for his share of the freight. One consideration with witness in taking Viale was, that he had been represented to him as an able pilot, but he was shipped only as a passenger; the contract was rescinded in consequence of disagreements between witness and Viale; two thousand five hundred dollars in silver (Spanish dollars) was paid by witness to Viale at Mozambique as the balance due to him, and a full consideration for his interest in the said Charter-party. Two hundred half-doubloons was entered by witness at the Custom-house at Mozambique, and was no part of the money mentioned in Saporiti's letter.

"Viale's replies were as follows:—The '*Incomprehensivel*' was in his possession about seventeen months before he sold her to Faria. He sold her to Faria in November, 1834, but did not record the sale till February, 1835, in consequence of the bill of sale not having been regularly drawn out till then, a minute only having been made in the first instance. He had a passport for Goa when he left Rio in the '*Incomprehensivel*;' it was granted by the Conte Palma de Borga Franco, the Sardinian Minister at Rio, and witness was designated a master mariner. He has that passport at his lodgings, and can produce it if required. The first mate, one Julião, prosecuted witness for his wages on quitting the vessel at Mozambique; the reason he did so was, that Julião, having in the first instance endeavoured by process to compel Carvalho and Castro to pay, and having failed, in consequence of his being unable to prove that Carvalho gave him any cause to quit the vessel, then attacked witness (through, as he thinks, the contrivance of Carvalho), alleging witness had been the occasion of his leaving the vessel, and in consequence witness had to pay one hundred dollars: the reason he and Carvalho separated their interests was, that there was constant disputes and misunderstandings between them: witness received two thousand five hundred dollars in gold (Portuguese half-doubloons) from Carvalho, in consideration of resigning his interest in the freight of the vessel."

On the 17th instant an affidavit sworn to by Carvalho and Viale was filed, with two papers annexed to it. The first was an original list of stores taken by the seizer, and found on board the detained vessel by the seizing officer at the time of capture, in which the "Chronometer" is described as having run down. This fact Carvalho in the above-mentioned affidavit confirms on oath, but the Prize-Officer in a subsequent affidavit explains the matter by stating that the "Chronometer" was so described on the authority of Carvalho, and not from the personal observation of the captor. The second document is a survey and sketch of the harbour and town of Inhambane, made by Viale, representing the "*Incomprehensivel*" lying at anchor there under the Portuguese flag. To the truth of this circumstance Viale swears, with the avowed object of satisfying the Court, that the "*Incomprehensivel*" had visited Inhambane as a Portuguese vessel.

The proctor for the claimant presented a petition on the 11th instant, stating that in the Brazils there was in the possession of the authorities, the Portuguese Ambassador and Consul, and other residents of that empire, additional and incontrovertible proof that the claimant is a Portuguese subject, and that the detained vessel is *bonâ fide* owned and navigated by Portuguese subjects; that no Brazilian interest is covered or concealed or employed in the voyage in which she was captured; and that all the evidence to establish these points which the claimant could then command, had been already adduced by him; it was therefore prayed that the full period of four months, according to the regulations of the Mixed Court, might be granted in order to obtain this further evidence; and that the vessel should in the mean time be sold, &c. An affidavit was annexed to this said petition, which simply repeated the substance of it. This document, the Court were of opinion, should have described, in a clear and explicit manner, the nature of the proof, said to exist in Brazil, respecting the facts alluded to in the petition; in order to obtain which the application was directed to be amended. In conformity with the above directions, an amended affidavit of Carvalho, the said Master, was put in and sworn to on the 16th instant, containing the following statements:—That he could procure documentary proof from Brazil, that he and Faria, the owner of the detained vessel, are Portuguese subjects residing there, and as such acknowledged by the authorities; that when she cleared out thence for the present voyage, the Portuguese Ambassador gave a passport; that on her sale to Viale she was a Portuguese vessel; that after her sale by Viale she always hoisted the flag of Portugal, and that that sale was made truly and without fraud; that in the Gazettes and other periodical publications she was always described as a Portuguese vessel; that Arango, the Master of the detained vessel, on her leaving Rio, is a Portuguese subject; that Vicente Domingo Saporiti is an Italian merchant

resident at Rio, and has not been naturalized, or admitted as a Brazilian subject; that Saporita did not own any of the cargo of this vessel, but wrote and delivered a letter in duplicate to Viale and deponent, purporting that he had consigned the cargo to those persons, with the object of preventing the same falling into the hands of the authorities at Mozambique in the event of deponent's death, in which case Viale could have acted in his place; that by the Treaty between Portugal and Brazil, a Portuguese cannot be admitted to the rights of a Brazilian subject under ten years' residence, being married in the country, or by an act of naturalization; that all the cargo was bought and paid for by this deponent out of his own funds only; and that the charter-party entered into by Viale and deponent with Faria was without fraud and without any intention at the time of employing the said ship in the Slave Trade.

The declared object of this application having been to establish by further proof that this vessel was owned and navigated by subjects of Portugal, the Court declined complying therewith, being prepared on the evidence already before it to acknowledge the detained vessel, and her cargo as the property of Portuguese residents at Rio de Janeiro. With this proceeding the claimant's defence concluded, and the Court assembled on the 17th inst. for the adjudication of the case.

The Proctors for the captor and claimant were heard at considerable length on behalf of their clients, when the Court gave judgment herein.

It is not necessary here further to allude to the arguments of the Proctors than to mention that it was strongly urged on the part of the claimant, that the British and Brazilian Court of Mixed Commission had no jurisdiction in this case, an objection which was overruled by the Court.

This vessel sailing under the flag of Portugal, with a cargo of slaves on board, appears to have been seized by Her Majesty's brig "Dolphin," 23 degrees to the southward of the equator, when about midway between Africa and South America, on the ground of the owner of the vessel, a Portuguese merchant, being a resident of Rio de Janeiro, and therefore the act of employing his vessel in the Slave Trade was an infraction of the Treaty between Great Britain and Brazil for the extinction of that traffic. At Mozambique this vessel obtained official papers, under which she was found sailing, and which plainly show her to have been a vessel authorized to sail under the Portuguese flag; whilst the Consular certificate found on board (a copy of which is subjoined) established the ownership of the vessel to be in Agostinho Augusto de Faria, a Portuguese merchant resident at Rio de Janeiro. Who were the proprietors of the slaves seized on board this ship was not so readily discoverable as the ownership of the vessel; for all the documents which related thereto were, in the course of the proceedings, in the most extraordinary manner falsified by the evidence of the Master, who came forward as claimant of the ship and cargo. These documents consisted of the Custom-house certificate of their embarkation at, and clearance from, Mozambique; as well as a charter-party (wholly unauthenticated) entered into there by the Master of the detained vessel with a merchant named Pinto (a copy of this paper is annexed, No. 3), and some letters relating thereto, all of which have been enumerated in the list of papers at the commencement of this Report, and which describes the slaves in question as the property of the said Pinto. This, however, Carvalho, the Master and claimant, would not allow to be the case, as he insisted that two hundred and six, of the seven hundred and eighty-nine thus professedly owned and shipped by Pinto, were his private property and adventure. To clear up this contradiction of the official and private papers of the vessel, he swore that a deception had been practised upon the Custom-house officers at Mozambique, by Pinto entering and clearing Carvalho's two hundred and six slaves as his own, in order that, should he (Carvalho) die whilst in the Portuguese colonies, he might have some agent to take immediate possession of his property, and thus prevent its falling into the hands of the Colonial authorities, to obtain it from whom his distant heirs would have been subjected to difficulty and delay. This declaration of Carvalho therefore led to the impression that the Custom-house papers, as far as related to the slaves, had been obtained on false representations, though of the extent of the deception stated to have been practised by Carvalho and Pinto in this instance, we had only the former's evidence; as the other witnesses in the case declared they did not know to whom the slaves belonged. As Carvalho had himself rendered the papers relating to them of a very doubtful character, we were indisposed to give the official portion of them that credit which should have attached to them, naturally supposing, on a consideration of the whole case, the probability of their having been altogether obtained under false pretences, as Carvalho had declared they were partially so.

To do away with the point which was raised by Carvalho alone subchartering to Pinto this vessel, for the conveyance to Angola of the slaves seized on board of her, without the concurrence of J. B. Viale therein, to whom jointly with Carvalho the said vessel had been nominally chartered by the owner, Faria, it was declared by both these persons that Viale had sold his interest in the voyage to Carvalho, they having disagreed at Mozambique. This evidence was elicited, at Carvalho's request, by special interrogatories, and as the first witness examined had not the means of acquainting the other with the replies he had given to the questions put, we received very opposite accounts of these transactions from the alleged principals therein, the one asserting that he had paid two thousand five hundred silver dollars, Spanish coins, as the consideration-money, and the other declaring he had received that amount, not in silver money, but in gold; in Portuguese half-doubloons. There could be little doubt, after these statements, of the transaction having been fabricated to suit the purposes of Carvalho, particularly as no documentary evidence thereof was tendered; not even an ordinary receipt for the sum said to have been so paid; and which is hardly likely to have passed between two persons avowedly at variance with each other. That a want of cordiality existed between these men, as well as that they only had a joint authority in the affairs of the vessel in the capacity of agents of the charterers, was plainly observable from the style of some notes addressed by Carvalho to Viale, whilst they were in the Mozambique Channel, and which notes were found with the other papers of the detained ship. Connecting the statements of Carvalho respecting the papers describing the property in the slaves, that some were obtained by means of false representations, and the unofficial ones fabricated by Pinto, to suit Carvalho's purposes; with the fact of Pinto having addressed his letter of advice, as to these slaves, to Carvalho, at Angola; as though he had been at the time at that place, when in fact he and Pinto were actually at Mozambique together completing their schemes for this expedition, and the contradictory evidence concerning the sale of Viale's interest in the freightage of the said vessel to Carvalho, we could only come to the conclusion, that the papers and statements in question could not be held as affording proof of the matters to which they referred.

It is a peculiar circumstance, that the whole of the commercial dealings, which appear, by the

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papers found on board, to have taken place between Carvalho and Pinto, on account of the expenses of the ship at Mozambique, amounted to barely forty dollars, whilst his expenditure with merchants there must have been very considerable. This in itself would create a reasonable doubt as to whether Pinto be really a merchant of so much substance as to own upwards of five hundred slaves, and charter this vessel for their passage, and tends to confirm the view taken by us of his having no property in this cargo.

Considering the claim made by Carvalho for the cargo to be bad, we had then to look for evidence as to who was really interested in these slaves; but previous to referring to the only document found on board this vessel which seemed calculated to throw light upon this subject, it is requisite to look into the history of the vessel from the commencement of her voyage at Rio, in order to determine whether it has not been throughout one of mystery and deception; thus giving additional cause for having pronounced the claim made by Carvalho as ill-founded, and thereby prevented him from taking advantage of his and Pinto's illegal acts. J. B. Viale, a Sardinian, found on board at the time of seizure, and who called himself a passenger in this vessel, professed to have originally owned her, having bought her in July 1834, and sold her again in February 1836. During the period named, he declared he kept her idly at anchor at Rio, although immediately after he had purchased her he fitted her out for sea. The improbability of such a proceeding on the part of a mercantile person is evident. Faria, the alleged purchaser of the vessel from Viale, is made to charter her, for the voyage in which she has been detained, to Carvalho and Viale, in January 1836, for forty per cent. more than is stated to have been paid for her; and in addition to this extravagant arrangement, the charters were to be at every expense for the vessel, including even the hire of the crew; on the authority of this document, under which, after Viale had been said to have transferred his interest to Carvalho in the chartering of the vessel, Carvalho made his sub-charter-party with Pinto for carrying the cargo of slaves.

This agreement, however, with Faria by Carvalho and Viale, in addition to being in every way informal and unauthentic, not having the signature of even a witness, being in the hand-writing of Carvalho himself, and the signatures of Viale and this Faria appearing to have been made by one and the same person, is of a date one month previous to the bill of sale to Faria, which is the only authority Faria could have for entering into the contract in question. The Charter-party with Faria was therefore pronounced valueless as evidence; and the under Charter-party between Carvalho and Pinto, made on the strength of the one named, met with a like fate at our hands.

Much mystery has been thrown by the witnesses upon the respective characters which Viale and Carvalho held on board on the outward voyage, doubtless with some object by them considered of importance, but which was not so apparent to us. Each of them declared that Aranjo (the second mate on the homeward voyage) was the Master. Now, there is among the papers found on board a certified copy of a lengthy legal process instituted at Mozambique by one Juliano, for the recovery of his wages as first Mate, against J. B. Viale, as Master in the outward voyage, and in which capacity Viale appeared, without apparently offering objection to the title, before the Judge of Duties. Carvalho's letters to Viale, whilst at Mozambique, plainly show that he considered the latter as Master, or Carvalho would hardly inquire from him when it would be "*convenient*" for the ship to go to sea, or offer suggestions to him as to regulating the ship's chronometers, &c. Viale, in one part of his evidence, however, says that Carvalho was nominally Supercargo, but actually Master, on the outward voyage. The contradictions in evidence as to the destination of the vessel are very palpable, and directly at variance with the vessel's papers and Log-book; and though this does not involve a point in itself of importance in the decision of the case, yet it serves to show how cautiously the swearing of such witnesses should be received. To the fraud practised in obtaining the official papers at Mozambique, respecting the shipping and ownership of the slaves, and the fabrication of the letters and papers suited for carrying out the scheme, of which that act formed a part, and of which we have fully treated, we only here allude, as being the completion of a lengthened transaction, around which every possible mystery has been thrown which fraud could apparently dictate, in order to disguise its real character, and lead the Court, if possible, to erroneous conclusions.

The paper which we just now observed was the only document found on board calculated to show who the real parties interested in the slaves of this vessel were, is one which was found in the possession of the Master at the time of the seizure, and described in the early part of the Report as being of such importance that a transcript of it had been annexed. It will be observed that the document in question (Enclosure No. 1) is a letter of instructions, under date Rio de Janeiro, 13th April, 1836, and addressed to Carvalho and Viale by Vicente Domingo Saporiti, who signs himself "*Captain of the Society.*" This letter has an appearance of originality and authority about it, possessed by no other unofficial paper found on board; and shows that the Society, of which Saporiti is the agent, are the owners of the cargo, and freighters, if not owners, of the vessel which they consigned to Carvalho and Viale, with directions couched in ambiguous terms for the disposal of the outward, and purchase of the return cargoes.

A part of the outward cargo, it is worthy of note, was formed of two thousand dollars, and two thousand and forty odd and three-quarter patacas, equal together to about nine hundred pounds, and which had been smuggled out of Rio by Saporiti in some casks of sugar. As it is a well-known fact that money is never employed in African commerce, excepting only in the Slave Trade, we had ready means thereby of judging what meaning ought in fairness to attach to the equivocal expressions in Saporiti's letter of instructions as to the return cargo, and which we considered only to mean a cargo of the kind with which the vessel had been detained when returning to Brazil.

Carvalho deposed respecting this letter from Saporiti, that it also was a fabrication made by his special order for the like purpose, as that for which he had drawn up false papers in conjunction with Pinto at Mozambique; and that Saporiti, instead of being his employer, was but his agent, and had been so for many years. The style of the letter itself, however, leads to a conviction of its being authentic, and as such we only could consider it, there being no evidence whatever to affect its validity excepting Carvalho's, upon whose unsupported testimony alone we could feel little disposed to place reliance, after the prevarication and contradictions we had detected him in, and his admission of having committed a fraud to serve his private purposes, upon the Custom-house authorities of Mozambique.

Carvalho also asserted that this letter from Saporiti was a duplicate copy, and the one placed in Viale's hands for the security of Carvalho's property in the event of his death. There is nothing about the document which indicates its being a duplicate; on the contrary, it has every appearance of being

the original and only copy, which had been written. If this paper, however, had been what Carvalho has stated it to be, it was open to him to have compelled Viale to give evidence on the point, which from his own showing, ought to have had the effect of confirming his testimony. As, however, Viale had at his first examination declared, "he knew nothing about the papers found on board the vessel," he was considered, we presume, a dangerous witness, and Carvalho's assertion was therefore left to produce such effect as it might; as a contradiction to the assertion of Carvalho, that this letter was placed in the possession of Viale as he had described, we considered the fact of its having been found very carefully concealed in Carvalho's desk, and laying by the side of the certificate of the Bill of Sale of the detained vessel to Faria, and the charter party of her by that man to Carvalho and Viale. The fact of Carvalho not feeling himself to be other than a responsible agent in the expedition, in which he had been detained, that he was bound to give a full account of every transaction to his employers, will be evident from his having kept in the most careful way many trifling receipts for his expenditure for the ship, there were fifteen such seized; and of his having gone to the expense of obtaining a copy, under seal, of the lengthy process instituted by the first mate for the recovery of his wages; and which could only have been needed by him as an exoneration with his employers for his outlay on this account. Had Carvalho paid what was awarded to the first mate out of his private purse, and on his own account solely, as he would have us believe, he never would have incurred the expense he must have been at, in obtaining the copy of this process, merely to have it by him as a record. By one of the Bills of Lading it appeared, a large cargo had been shipped at Rio de Janeiro by Saporiti for the adventure at Mozambique, the value of which when added to the money also employed, would seem to have afforded enough for the purchase of the return cargo of slaves. Carvalho has only given an account of the disposal of that part of the outward cargo, which was used in purchasing the two hundred and six negroes claimed by him, and we are left to infer what has become of the remainder of it. The only reasonable conclusion, in the absence of all proof upon the subject, is that it went in the purchase of the remaining five hundred and seventy-six slaves, shipped as the property of Pinto.

Having already expressed our conviction, that the outward cargo of this vessel was owned by Saporiti or the society he represents; we must consider the slaves purchased with that cargo as the property of the same party or parties.

Saporiti was described by Carvalho in his claim as an Italian merchant, resident in Rio de Janeiro, though at his first examination he declared his ignorance of this circumstance. Carvalho's statement is somewhat borne out by the date of Saporiti's letter of business to Carvalho and Viale, before alluded to. Whether the society which Saporiti represented was resident in Rio, or not, no evidence was obtained; a circumstance which did not, however, create any difficulty, as the place of business of the accredited agent of the said Society must be held to be the Society's residence for legal purposes.

The detained ship had therefore been proved to have been seized in a slaving voyage, for which she was originally fitted out at Rio de Janeiro by a foreign resident Merchant or Merchants of that Port, to which or its neighbourhood there can be little, if any, doubts the slaves seized were destined; and as to the vessel it appeared that if she be not owned by Saporiti or the Company to which he is cashier, she must have been unconditionally freighted to them as regarded the trade in which she was to be employed, by the ostensible owner, Augustinho Augusto de Faria, a resident Merchant at Rio. All the evidence as to the terms upon which the detained ship was hired to the said Company, is to be found in the remark in Saporiti's letter as to having advanced the crew one month's wages, and which must be considered only as an occurrence likely to take place where a vessel was so hired as to be for the time being under the sole and entire control of those who chartered her, and who it appears had to engage and pay the crew, who were to navigate her. Such an unqualified hiring of a vessel as that described, we must believe has taken place in this instance, and subjects the ship to all the consequences of the illegal acts of the charterers, as much as if the owner himself had so employed her.

In every point of view has the detained ship been illegally employed, for the official papers with which she was provided for carrying slaves from Mozambique, were insufficient, according to the existing Treaty between Great Britain and Portugal, of the 28th of July, 1817, which especially directs that Portuguese vessels detained for this traffic, where it still continues lawful to carry it on, shall be provided with a passport, conformable to the model annexed to the said Treaty, whilst that of the detained vessel was a common commercial passport, containing no allusion whatever to her carrying slaves.

In this case, then, it seems clear to us that the "*Incomprehensivel*," and the slaves found on board of her, were owned by Foreign Merchants residing in Rio de Janeiro, and that therefore it was incumbent upon us to act on the principle of the Law of Nations, as laid down in your Lordship's despatch respecting the Portuguese slave-vessel '*Maria da Gloria*,' that "the national character of a Merchant is to be taken from the place of his residence and of his mercantile establishment, and not from the place of his birth," and therefore to view the owners of the detained vessel and her cargo, as Brazilian subjects, and as such bound by the laws of Brazil, and the engagements with which that Government had entered with other States.

Governed by the principle of Law, above quoted, we pronounce that the evidence in the case had brought the captured vessel and cargo within the operation of the Treaty between Great Britain and Brazil for the abolition of the Slave Trade, and that it had been proved she had committed a violation of that Treaty, rendering her liable to condemnation, and that the slaves to emancipation, a sentence in conformity with which opinion was accordingly pronounced. The number of slaves declared free by this sentence was five hundred and eighty-six.

Had the claim of the Master of the condemned vessel for the two hundred and six slaves, stated by him to have been his private property, been satisfactorily made out, it would not have altered the decision pronounced in the case, as in addition to his being in command of a vessel, virtually a Brazilian, and found contravening the engagements which that country had made with Great Britain for the extinction of slave trafficking, he declared himself to have been a resident of Rio de Janeiro for the last four or five years.

(Signed)

H. CAMPBELL,
WALTER W. LEWIS.

Sierra Leone, 25th of February, 1837.

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Sub-Enclosure No. 1. in No. 51.

M. Luiz Antonio de Cavalho e Castro.

(Translation.)

Mozambique, 12th November, 1836.

To-morrow morning you will make sail in the National vessel called the "*Incomprehensivel*," under your command, for Lisbon, touching at Angola, carrying on board of her seven hundred and seventy-nine blacks, my property, to deliver them at Angolla to M. Francisco d'Asses Peraia, in his absence to M. Francisco Fenecia Lopez, where, having arrived in safety, you will follow the orders of the said Asses Peraia, as we have agreed, and the freight for which will be only paid at Lisbon; if any quantity is necessary for your arrangements, you will ask for it from the said Asses Peraia, whom I have requested in my letter of to-day to deliver it, passing the receipt for it, to be discounted from the freight; but you will not exceed the sum of one conto of reis of that country. I have nothing more to recommend to you, except that you may have a short and prosperous voyage.

Believe me, &c.

(Signed)

MIGUEL CAETANO PINT

(Signed)

W. HAMILTON.

Translator.

Sub-Enclosure No. 2, in No. 51.

(Translation.)

We, the undersigned, Luiz Antonio de Carvalho e Castro, Captain of the vessel "*Incomprehensivel*," on the one part, and on the other, Miguel Caetano Pinto, have agreed for the freight of the aforesaid vessel in the following manner:—

Luiz Antonio de Cavalho e Castro, freights the said vessel to Miguel Castano Pinto, to Lisbon, touching at Angolla, to carry seven hundred and seventy-nine blacks, to deliver them there to Senor Francisco d'Asses Peraia, in his absence, to Francisco Fenecia Lopez, sustaining them at his own expense, for a passage of thirty Spanish dollars each that arrives alive, from Angola to Lisbon; to load her with goods on his own account, according to the state of the country, towards this city; binding himself to wait for the cargo at Angolla for sixty days, commencing from the day of arrival, and for those which he may be delayed beyond the stated time, he binds himself to indemnify him in the sum of twenty Spanish dollars per diem. We declare that all the freight shall be paid at Lisbon, and for our information we have made three of the same tenor, and have both signed, which we promise to fulfil upon our word and honour.

(Signed)

LUIZ ANT. DE CARV. E CASTRO.
MIGUEL CAETANO PINTO.

(Signed)

W. HAMILTON.

*Translator.**Mozambique, 4th November, 1836.*

Sub-Enclosure No. 3, in No. 51.

(Translation.)

To the Most Illustrious Messrs. Antonio de Cavalho e Castro and Joao Baptiste Viale.

ESTEEMED SIRs,

Rio de Janeiro, 13th April, 1836.

To your consignment sails the vessel "*Incomprehensivel*," bound to Goa, touching at the Ports in the Mozambique Channel which you may consider most convenient; I have embarked in her different goods to the amount of , according to the bill delivered with them, and by the list of the cargo which you will receive, the freight on them amounting to 1,062 dol. 600 rs. in cash. The crew is engaged at 20,000 dol. per month, the seamen and boys, and prior to her departure from this port, I have advanced them one month's wages, as appears by the account which I send them, and which is due to them.

Touching at the Ports in the Channel you will use diligence in selling the goods appearing upon the account, and you will take care that your purchases be effected with the produce of the goods, that they be bartered for goods of the first quality, and of quick departure, taking care not to anchor in any of the Ports which you may visit; you will also receive goods on freight, always giving preference to shippers who have embarked anything here in the said vessel.

Amongst the goods which are mentioned in the Bill of Lading, are eight barrels of white sugar, marked C. V. No. 1, within which will be found 2000 Spanish dollars, and 2041½ papaes, which form part of the present negociation.

At all the Ports at which they may touch you will write to me, making me acquainted with whatever occurs relative to the business with which you are charged, and before sailing from the last Port of your lading, you will give me a circumstantial detail of the final result of the present transaction. Your letters should be directed to V. D. Saporiti and Co., in his absence to Antonio Victoriano da Rocha.

I should warn you that according to the latest arrangements of this Custom House, it is necessary to present an attested Copy of the competent authority of the Custom House of the Port in which the seven packages, and dried meat are disembarked, and this in order to be able to take away the deposit which is made for the corresponding duties; you will take all possible care to forward to me without loss of time the said Certificate, which must be made in duplicate, in order to detain one in your possession.

Confiding in your experienced zeal and activity for the discharge of the duties with which you are entrusted, I have the pleasure of wishing you a pleasant voyage, and declare myself your very attentive and friend.

(Signed)

VICENTE DOMINGO SAPORITI
Cashier of the Society.

(Signed)

W. HAMILTON.

Translator.

Sub-Enclosure No. 4. in No. 51.

(Translation.)

Bernardo de Ribeiro Carvalho, Chancellor of the Consulate General of Portugal at this Court.

I hereby Certify that in this Chancellery is to be found registered in the competent book, at the 30th page, and seventh verse, the bill of the following tenor:—Bill of Sale of the vessel (Sardinian) 'Le Leguria,' made by the Proprietor Joao Baptisteo, to Agostinho Augusto de Faria, Portuguese subject, resident at this Court, on the 20th of February, One Thousand Eight Hundred and Thirty-six, in this Chancellery of the Consulate-General of Her Most Faithful Majesty at the Court and Province of Rio de Janeiro, before me, the Chancellor, appeared present together as voluntary Seller, Joao Baptisteo Viale, and as voluntary Purchaser Agostinho Augusto de Faria, Portuguese subject, resident at this Court, both known by the undersigned witnesses, in presence of whom by the Seller it was said, that he was owner and possessor, free and unembarrassed, of the Sardinian vessel called the 'Le Leguria,' which is at present anchored in this Port, with the flag of her nation, as was made certain by documents which he presented, of which vessel, and all her appurtenances he made real sale, henceforth and for ever, to the Purchaser Agostinha Augusto de Faria, for the sum of Eight Contos of Rees, in bank-notes, which he received at the time of this transaction, and that he gave him a full and general acquittance not to require any more of him, binding himself in his person and goods to make good this sale at any and every occasion, and free and safe from any future debt. And by the purchase it was said that he accepted this Bill of Sale with all its charges which are contained in it, desiring that the vessel, in which no foreigner has any share, may be called "*Incomprehensivel*." And he paid the sum of one conto, and two hundred thousand reis, in consideration of the duty upon the wood, which stands entered upon the competent book; and as just and agreed, they requested me to make this Certificate, which they signed with the witnesses present, Jeiomio Joza Duarte Silva, and Joze Antonio Thomas Romeiro. I, Bernardo Ribeiro e Carvalho, Chancellor, wrote and signed this. Bernardo Ribeiro e Carvalho, Chancellor.—J. B. Viale,—Agostinho Augusto de Faria,—Jeiomio Joze Duarte Silva,—Joze Antonio Thomas Romeira.—And there is nothing further contained, in faith of which I have made the present, which is signed by me, and sealed with the Royal seal of this Consulate Consular-General of Portugal, at Rio de Janeiro, 11th of April, 1836.

(Signed) BERNARDO RIBEIRO E CARVALHO.

Chancellor.

(Signed) W. HAMILTON.

Translator.

No. 52.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 12.)

MY LORD,

Sierra Leone, 30th June, 1837.

IN pursuance of the 75th Clause of an Act, passed in the fifth year of His late Majesty's reign, entitled "An Act to Amend and Consolidate the Laws relating to "the Abolition of the Slave Trade," we have the honour to enclose a Return of one Brazilian vessel, adjudicated in the British and Brazilian Court of Mixed Commission established here, in the period from the 1st January last to this date.

We have, &c.

(Signed)

A. DOHERTY.

WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 52.

Return of Brazilian Vessels adjudicated by the British and Brazilian Court of Mixed Commissions, established at Sierra Leone, betwixt the first day of January and the first day of July 1837.

Names of Vessels.	Name of Master.	Date of Seizure.	Where captured.		Property seized.	Seizor.	Date of Sentence.	Number of Slaves Captured.	Number died before Adjudication.	Total Number Emancipated.	Decretal part of sentence, whether Forfeiture or Restitution.	Whether property condemned has been sold or converted, and whether any part remains unsold, and in whose hands the proceeds remain.
			Latitude.	Longitude.								
"Incomprehensivel."	Luiz Antonio de Carvalho e Castro.	23rd Dec. 1836.	23° 56' S.	16° 16' W.	Ship and 696 Slaves.	Thomas L. Roberts, Esq., Her Britannic Majesty's Brig, "Dolphin."	17th Feb. 1837.	696	110	586*	Condemned for being engaged in the illicit traffic in slaves.	Ships and stores sold by public auction, and the proceeds paid into the Military Chest.

* Six men and boys died before their descriptions were taken to be registered.

R. DOHERTY.

WALTER W. LEWIS.

Sierra Leone, 1st July, 1837.

M. L. MELVILLE, REGISTRAR.

No. 53.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 15th Sept., 1837.

WITH reference to your Dispatch of the 25th of February last, I have to acquaint you that the case therein reported of the "*Incomprehensivel*," captured under Portuguese colours, but condemned by the Mixed British and Brazilian Court, has been referred to the Queen's Advocate, who has stated that, in his opinion, the fair result of the evidence in this case is, that the "*Incomprehensivel*" and her cargo were the property of persons resident at Rio de Janeiro, and consequently that the Mixed Court was perfectly justified in condemning the vessel for a breach of Treaty between Great Britain and Brazil, and in decreeing the emancipation of the slaves.

I have, &c.

(Signed)

PALMERSTON.

Her Majesty's Commissioners.

&c.

&c.

&c.

No. 54.

Her Majesty's Commissioners to Viscount Palmerston (Received Dec. 16th.)

MY LORD,

Sierra Leona, 31st October, 1837.

YOUR Lordship's Despatch of the 15th ultimo reached us a few days since, and we had much satisfaction in learning therefrom that Her Majesty's Government had approved of the British and Brazilian Mixed Commission Court having condemned the ship "*Incomprehensivel*," seized under Portuguese colours, and emancipated the slaves belonging to that vessel, on the ground of the property in this case having been proved to belong to persons resident at Rio de Janeiro.

We have, &c.

(Signed)

A. DOHERTY.

WALTER W. LEWIS.

HAVANA.

No. 55.

His Majesty's Commissioners to Viscount Palmerston.—(Received February 13.)

MY LORD,

Havana, 6th January, 1837.

By His Majesty's packet "Lapwing," which arrived in this port yesterday, we were honoured with the receipt of your Lordship's Despatch, of the 17th October, 1836, enclosing a Copy of a Letter from the Admiralty, stating that their Lordships had sent directions to Commodore Pell to order Lieutenant Byng in the "Pincher" to Belize, to bring back such of the negroes and kroomen who can give evidence against Jousiffe, and to proceed with them and Jousiffe to Sierra Leone, in order that the necessary measures may be taken to bring the said Jousiffe to trial on the charges preferred against him.

We feel very sensibly the prompt assistance afforded by your Lordship at all times towards enabling us to carry on the duties of this Commission, for which we beg leave to return our respectful thanks.

We have, &c.

(Signed) EDWARD W. H. SCHENLEY.
R. R. MADDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 56.

His Majesty's Commissioners to Viscount Palmerston.—Received February 13.)

MY LORD,

Havana, 6th January, 1837.

We have the honour to acknowledge the receipt of your Lordship's Despatch, dated the 8th November, 1836, transmitting for our guidance a Copy of the Regulations which the Mixed British and Spanish Court at Sierra Leone issued to the Officers of that Court in regard to the breaking up of vessels condemned under the Treaty between Great Britain and Spain; as also an Extract from a Despatch addressed by your Lordship to His Majesty's Commissioners in that Colony upon the subject.

Owing to the dilatory manner in which such operations are carried on here, the accounts of the condemned slave-vessel "*Preciosa*" are not yet closed; but we trust that, when by the next packet they shall be duly placed before your Lordship, the manner in which we deemed it our duty to have her broken up may meet with your Lordship's approval. We shall for the present, therefore, content ourselves with assuring your Lordship that after the contract for performing this service was concluded, we ourselves witnessed that in executing it there was not more than 6 feet of any part of the hull of the vessel left entire, so complete was her final destruction.

We have, &c.

(Signed) EDWARD W. H. SCHENLEY.
R. R. MADDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 57.

Lord Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 14th February, 1837.

I HAVE received your Despatches of the 25th November and of the 12th December, 1836, reporting the condemnation of the Spanish schooner "*Empresa*," and the transmission of the negroes emancipated from that vessel to the Bahamas, and I have much satisfaction in conveying to you my approval of the steps taken

by the Acting Judge, to obtain a remission of the port dues, chargeable upon the return to the Havana of the vessel hired for the removal of the negroes in question.

It has been represented to me, through the Colonial Office, that the sentence in this Case was not signed till 2 days after the Mixed Court had decided upon it, and the Papers transmitted in your Despatch of November 25th show that, after the sentence was signed, 4 days more elapsed, before the negroes received their Certificates of emancipation, and were made over by the Mixed Court to the care of His Majesty's Superintendent.

The Colonial Office, in drawing my attention to these facts, and to the great increase of sickness among the negroes, in consequence of their detention on board the "*Empresa*," does not attribute blame to His Majesty's Acting Judge, as it appears that this delay arose from the necessity of making out for the use of the Mixed Court a correct descriptive List of the individuals to whom Certificates of emancipation were to be given.

It is, however, the wish of His Majesty's Government to shorten, as much as is consistent with the due execution of the provisions of the Treaty, the inconvenience which the negroes must suffer while they continue confined on board the small vessels in which they are captured; and I have therefore to instruct you to endeavour to induce the Spanish Judge, in future, to sign the sentence as soon as the Court has come to a decision.

You will also propose to the Mixed Court that, when the sentence is signed, the emancipated negroes shall be placed at the disposal of the Superintendent, as soon as that Officer shall notify that he is prepared to receive them. Such an arrangement would conduce to the relief and comfort of the negroes, and, at the same time, greatly facilitate the proceedings of the Officers of the Court in making out the Lists above alluded to, as this duty would then be performed in a clean and roomy vessel, instead of in a crowded and unwholesome slave-ship.

I am, &c.

His Majesty's Commissioners,
&c. &c.

(Signed) PALMERSTON.

No. 58.

Viscount Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 13th April, 1837.

WITH reference to your several communications upon the subject of the refusal of the Captain-General to permit any slaves to be landed from vessels adjudicated by the Mixed Court at the Havana, I herewith transmit to you the Copy of a Despatch which I addressed to His Majesty's Minister at Madrid, by which you will perceive that, with a view to obviate the inconveniences which this determination of the Captain-General would produce, His Majesty's Government intends to send to the Havana a hulk, to receive negroes liberated by sentence of the Mixed Court during the time that may elapse before an opportunity offers of sending them to the British Colony, to which they may be allotted by the Superintendent.

I also enclose to you a Copy of the reply which I have received from Mr. Villiers, announcing that the Spanish Government consents not only to the stationing of the hulk at the Havana, but also to the establishment of a lazaret, on shore, for the reception of such of the negroes as cannot be provided with proper accommodation on board the hulk.

I am, &c.

His Majesty's Commissioners,
&c. &c.

(Signed) PALMERSTON.

First Enclosure in No. 58.

Despatch to Mr. Villiers, December 22, 1836.

(See Class B. 1836, No. 24.)

Second Enclosure in No. 58.

Despatch from Mr. Villiers, March 25, 1837.

(See Class B. 1837.)

CLASS A.

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Nov. 50.

Viscount Palmerston to His Majesty's Commissioners.

(Extract.)

Foreign Office, 15th April, 1837.

I HAVE received the Despatches, addressed to me by His Majesty's Acting Judge on the 10th and 15th of November, 1836, together with a Letter dated the 9th of that month, from His Majesty's Acting Arbitrator, upon the subject of the Portuguese schooner "*Constituição*," and the Spanish schooner "*Manuelita*," which vessels were detained by His Majesty's sloop "*Racer*," and released by the Prize-Officers, without being brought before the Mixed Court.

No. 60.

His Majesty's Commissioners to Viscount Palmerston.—(Received April 17.)

MY LORD,

Havana, 12th January, 1837.

IN our Despatch of the 2d instant, we had the honour to report the return to the Havana of the notorious Spanish slave-ship "*Socorro*," under Portuguese colours, after having landed upon the south coast of this Island a cargo of between 700 and 800 slaves.

Although it has never been the practice to denounce slavers under the Portuguese flag to this Local Government, which, as your Lordship will perceive, has tended to no good in this instance, yet the unparalleled audacity and extent to which this subterfuge is carried induced us to address the Captain-General upon the subject. Your Lordship will observe by the Copies of the Correspondence herewith transmitted, that no attention whatever is paid to our statement, respecting the vessel having on board the same Captain and crew as when she quitted the port under Spanish colours. This event furnishes another example of the protection which is at all times extended by the Local Authorities to any and every flag and vessel engaged in the Slave Trade.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

R. R. MADDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 60.

His Majesty's Commissioners to the Captain-General.

Havana, 4th January, 1837.

THE Undersigned, Commissioners of His Britannic Majesty for the suppression of the Slave Trade, consider it their duty to acquaint his Excellency the Captain-General that the notorious slave-ship "*Socorro*," Don Antonio Eduardo Muzard, Master, which sailed from this port on the morning of the 20th May, 1836, under Spanish colours, and with a Clearance from the Custom-house of Havana, for Manila, (as was transcribed by his Excellency the Superintendent of the Royal Finance Department, and communicated by the Captain-General to the British Arbitrator, in reply to his official Note of the 30th May, 1836), returned to this port on the morning of the 1st of January, 1837, with the flag of Portugal flying at her peak. This vessel is currently reported to belong to Messrs. Echante and Phebia, of this city; to have taken on board in the Mozambique, and to have landed at or near Bahama, in this Island, 700 negroes, which were to be sold into slavery; and is under the charge of the same Master and crew, which navigated her when she sailed from the Havana in May last.

The Undersigned avail themselves, &c.

(Signed)

E. W. H. SCHENLEY.

R. R. MADDEN.

His Excellency the Captain-General,

&c.

&c.

&c.

Second Enclosure in No. 60.

The Captain-General to His Majesty's Commissioners.

GENTLEMEN,

Havana, 12th January, 1837.

UNDER date of the 10th current the Senor Commandant-General of the Marine Department writes me as follows:—

"Most Excellent Sir,—Having forwarded to the Senor Commandant-General of the Registers of this Province your Excellency's Official Letter of the 7th current, in which you were pleased to enclose the Translation of the Letter of the British Commissioners, respecting the arrival in this port of the ship "*Socorro*," after landing a cargo of negroes, the said Chief writes me the following, dated yesterday:—

"Senor Commandant-General,—The ship '*Socorro*' went out, expedited by this office, with the proper Documents, and Royal Sailing Licence extended in favour of the Captain, Don Eduardo An-

Donio Muzard, on the 28th of May of last year, for Marilla; and to-day the said Muzard has presented himself to me, declaring, that having sold the vessel in Mozambique, as the Documents he also showed proved, he made the passage back with the Portuguese flag; consequently being now foreign, it belongs to her own Judge to investigate the conduct observed on the return voyage. There only now remains to be cancelled the security of the Royal Passport, by reason of the sale, according to Art. 7 of the 9th Clause of the Ordinance on the subject, added by Royal Order of the 29th September, 1824. Above all, you will determine on what you think right. And I insert this in answer to your Excellency, and for your Excellency's information."

Which I forward to you, Gentlemen, for your information, and in consequence of your Letter on the subject, of the 4th current.

God preserve you many years.

The Commissioners of His Britannic Majesty,
 &c. &c. &c.

(Signed) MIGUEL TACON.

No. 61.

His Majesty's Commissioners to Viscount Palmerston.—(Received April 17.)

Mr. LORR,

Havana, 26th January, 1837.

WE have the honour to forward, for your Lordship's information, Translations of the proceedings which have taken place in this Mixed Court, in the Case of the Spanish brigantine "*General Laborde*," which is the first vessel that has been adjudicated under the 10th (or Equipment) Article of the New Treaty.

When, upon the 11th of January last, His Majesty's Commissioners, in their Despatch of that date, stated to your Lordship that had they then acted under the New Treaty the "*General Laborde*" would have been infallibly declared a prize, and that this Treaty "will effectually render the escape of such vessels as the '*General Laborde*,' after capture, to be impossible;" they little expected that this identical vessel would again so soon be brought before them under circumstances precisely similar, so far as her being "equipped for the Slave Trade," and they certainly never anticipated so extraordinary an interpretation as that now placed upon the provisions of the 10th Article of the Treaty by their Spanish colleagues.

Your Lordship will perceive that owing to the Judges not agreeing upon the sentence they ought to pronounce, recourse was had to the form prescribed in such Cases. The name of the Spanish Arbitrator having been drawn, the whole of the proceedings, together with the written opinions of the two Judges, were, on the 14th current, placed in his hands. Three days afterwards (on the 17th) the Court again met, and a sentence was signed, a Copy of which (Enclosure No. 9.) we have the honour to call your Lordship's particular attention to, as it decrees the liberation, *although justifying the detention*, of a vessel equipped in almost every circumstance as a slave-vessel, without a shadow of evidence adduced to account for her being so.

This trial has caused very great excitement in the Havana, and it is difficult to foresee the extent of the evil which the verdict of acquittal may create.

The Spanish Commissioners being definitely resolved upon the above sentence, Mr. Schenley endeavoured to induce them to order the vessel to be dismantled of her slave equipment, arguing, in opposition to their sentiments upon the point, that the Court was possessed of competent powers. It was, however, decided otherwise, and the clause he proposed to insert was rejected; when, as a last resort, where such palpable evidence existed of the vessel being fitted for the Slave Trade, Mr. Schenley thought that although he had failed to effect her condemnation by the Mixed Court, yet it could not be considered as overstepping the bounds of their official capacity for His Majesty's Commissioners to endeavour to induce the Captain-General, as the representative of Her Catholic Majesty, to take cognizance of the fact, and prevent the departure from this port of a vessel so manifestly *illegally equipped*. A Letter (No. 10) was accordingly forwarded, but, as your Lordship will learn from his Excellency's reply (No. 11), without producing any other effect than to establish (which we fear the whole of this transaction tends to do) the right of these vessels to navigate, almost fully equipped for the Slave Trade, provided their Papers are in order for an European port, and that they have on board a woman and children, which circumstance your Lordship will perceive, by the opinions of the Spanish Commissioners, is made a very principal reason for absolving the "*General Laborde*."

During the interval between the termination of the evidence and the drawing of the lots, a period of 7 days (i. e., from the 7th to the 14th), particularly on this latter day, when the Spanish Arbitrator was first called in to receive over the proceedings of the trial, and the opinions of the Judges, Mr. Schenley took

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occasion to lay before the Spanish Commissioners a detail of the whole of the Correspondence which had taken place between His Majesty's Government and the Government of Her Catholic Majesty upon the subject of the Equipment Article, commencing with the Official Note of Sir William A'Court to Don Evaristo San Miguel, dated at Madrid the 14th December, 1822, and terminating with the Draft for the present Treaty, transmitted to Mr. Villiers by your Lordship on the 6th of October, 1834.

His object in doing so was, in the first instance, to show the Spanish Commissioners that, throughout the whole of this Correspondence, there does not exist a single passage which could justify the decision they have since given; and in the second, to show them that the Equipment Article having emanated solely from His Majesty's Government, the Act passed by the British Parliament to carry it into effect is the best proof of the construction which the British nation places upon this particular Article. A careful Translation of the 11th Section of the said Act, "Vessels equipped for traffic in slaves *to be deemed engaged in the Slave Trade*," which admits of no loop-hole or perversion, was placed in their hands. Mr. Schenley further assured them, with regard to the meaning of the exception contained in the latter part of the 10th Article, unless, &c., &c., his firm conviction is that, so far from being intended as a subterfuge for vessels navigating, fitted up as slave-vessels, as our Spanish colleagues seem to infer, it is to enable the Judges to decide, as they solemnly swear to do, *according to the stipulations of the Treaty*, without their being exposed to the alternative of perjury, or committing an *arbitrary act*, by pronouncing sentence of condemnation in Cases, for instance, where accident or malice may have placed on board a vessel "any one or more" of the prohibited Articles.

With respect to the 11th Article, Mr. Schenley insisted that it was framed expressly for the purpose of exonerating the Captor from all risk in Cases of detention, where even only "any one" of the Articles enumerated in the preceding Article might be discovered on board the vessels of either nation. We would here again invite your Lordship's particular attention to the opinion of the Spanish Judge (Enclosure, No. 7), which fully illustrates the construction and value likely to be placed upon the New Treaty by the Spanish Commissioners. It was in vain that Mr. Schenley pointed out the impossibility of attaching the slightest importance to the regularity of a Spanish vessel's Papers, or admitting as proofs of the honesty of their intentions "Policies of Insurance," Bonds, Letters addressed to ports in Spain, &c., &c., since it is a notorious fact that no vessels have their Papers more precisely regular than slave-vessels upon their outward-bound voyage.

The "*Socorro*," which had just returned from the Coast of Africa, and landed her slaves (between 700 and 800) a few miles from the Havana, during the trial of the "*General Laborde*," furnished ample proof of the fact; for she sailed 7 months previously from this port with her Papers duly in order, as was officially communicated by the Captain-General to His Majesty's Commissioner, bound on a trading voyage to Manilla. Nay, the repeated instances (and a very recent one, that of the "*Arogante Mayaguezana*") tried before the Mixed Court at Sierra Leone, which was fully explained to our Spanish colleagues, where the Master had bound himself by a bond to a considerable amount "not to pass into prohibited seas, or to enter into contraband trade," tend to prove that no regard whatever can be paid to the *regularity* of the Papers of these vessels. The mere fact, then, that the *wife and children* of the Supercargo were on board the "*General Laborde*" is truly a deplorably feeble ground upon which to liberate a well-known and fully equipped slaver, more especially as, since the ratification of the New Treaty, the slave-dealers have all declared that the establishment of more numerous factories upon the Coast of Africa would be absolutely necessary to enable them to carry on their nefarious commerce: besides, it is more than probable that persons so degraded as to pursue this line of life would not hesitate to transport their families along with them.

The very condemnatory statements contained in the evidence of José Lazo (Enclosure, No. 2) are not treated with the slightest consideration by our Spanish colleagues.

In expressing our disappointment and regret at the ^{etc.} result of this trial, we trust that, as it is under the present wording of the Treaty that His Majesty's Commissioners are expected to carry on the duties confided to their charge for the suppression of the Slave Trade, your Lordship will pardon our offering our opinion

that it will be impossible ever to obtain a condemnation in this Mixed Court under circumstances similar to the present one. No seizure is likely to be effected under the Equipment Article, where the proofs can be more numerous or more clear; where the reputation of the vessel, and all concerned in her, can be more convincing as to her ultimate destination. The illegality of her equipment is most completely established by the sentence which has been given, yet she has been absolved by the construction placed upon the latter part of the 10th Article,—“unless, &c. &c.” of the very Treaty framed expressly to meet the present contingencies, and which it has cost His Majesty's Government so many years of negotiation to effect the ratification of.

Nevertheless, should the opinion recorded upon the proceedings of the Court by the British Acting Judge fortunately meet with your Lordship's approval, we confidently hope that measures may be adopted to vindicate that opinion, and to prevent the recurrence of an event which we can only view as completely frustrative of what we hold to be the primary object of the new Treaty.

To effect this purpose some alteration in the Treaty will be indispensable. We would venture, therefore, to suggest, presuming upon the integrity and good faith with which we feel assured His Majesty's Commissioners will always act, that the exception to the 10th Article be omitted altogether, terminating it by the words “lawful prize;” and that in the 9th enumeration of the said Article the words “or of any other aliment whatsoever” may be introduced after the words “Indian corn;” it being impossible for the Commissioners to form any other opinion respecting the large quantity of biscuit (upwards of 2,000 lbs.) found in the “*General Laborde*,” than that it was intended to be ground down, or soaked as food for negroes. Indeed we feel no doubt of this substitute having for object a new evasion of the stipulations of the Treaty.

Mr. Schenley, finding that no alternative remained to him but to submit, conformably with the Treaty, to the opinion of the majority, deemed it is duty, in affixing his signature to the sentence, to record formally his dissent from the terms of it.

Mr. Schenley earnestly trusts that this step may be approved, and that a perusal of the several documents, herewith transmitted, may satisfy your Lordship that there has been no neglect, nor any want of exertion, upon the part of the Commission, in endeavouring to carry into effect the humane intentions of His Majesty's Government.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.
R. R. MADDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 61.

Captor's Declaration in the Case of the “General Laborde.”

I, GEORGE BYNG, Lieutenant commanding His Britannic Majesty's schooner “Pincher,” do declare that on the 16th day of December, 1836, I boarded the Spanish brigantine “*General Laborde*,” off the port of Gibara, on the North Coast of Cuba, and found her in all respects, and to the best of my belief, fitted as a slaver, having on her deck the coppers, hatches with open gratings, hoops for water-casks, tins and utensils for the use of slaves, and spare plank fitted for bulk-heads, or a spare deck.

(Signed) GEO. BYNG, *Lieut. and Commander.*

Second Enclosure in No. 61.

Abstract of the Evidence in the Case of the “General Laborde.”

IN the Always Most Faithful City of Havana, on the 22d of December, 1836, Lieutenant George Byng, Commander of the English schooner-of-war “Pincher,” appeared before the Judges of the Mixed Court, and, being duly sworn, deposed as follows:—That he recognized the Letter now shown to him as being that which he addressed to the British Judge, as he likewise did the Declaration which he also had forwarded. That, on the detention of the vessel, he received the Papers now exhibited, namely the Muster-roll, the Warrant of Health from the Superior Junta of St. Jago de Cuba, and the Log-book, all which are numbered from 1 to 3. And, being requested by the Members of the Court, he duly exhibited the authority he had received to act in such cases, and, at the same time, ratified and signed the above Declaration. Note.—That, at the time of signing, the capturing Captain declared that he had seen all the Articles indicated and specified in his Declaration; but that he had since learned from some of the crew, whom he could name if required, that some of the shackles, such as are usually conveyed to the Coast of Africa, were concealed below amongst the tobacco and water-casks; perhaps something else. That, for the moment, he did not think it necessary to look farther: having found enough to render the detention of the “*General Laborde*” legal, it remained

for the Mixed Court to see and determine concerning the suspicious articles designated in the Treaty, as also of what may result from the Declarations made. The contents of this note to be considered as an integral part of his deposition.

In the Always Most Faithful City of Havana, on the 23d of December, 1836, before his Excellency the Spanish Judge and the Senor British Judge, appeared Don Samuel Butcher, second Master of His Britannic Majesty's schooner "Pincher," who, after being duly sworn, deposed—That, on Friday the 16th of the current month of December, they detained the "*General Laborde*" opposite to the Port of Gibara, in the morning; and that, on the same day, he went on board and noted the following things, to wit, the boilers, the hatches with open gratings, water-casks, pipes and hoops; that the binnacles were such as used by slavers, having the light within that they might not be seen at night; his attention being fixed by this when he was on board that day, without his being able to ascertain whether there were or not other suspicious articles of illicit trade, although he soon understood that the staves of the hoops were hidden amongst the tobacco which was covered up, but does not recollect if there was anything else concealed. That he can give no account respecting the provisions, all his attention being claimed by the things just mentioned. That he should be able to point out which of the crew it was that informed him where the staves were hidden. That he just now recollects he was called Tomas; and that he thinks, though he cannot be certain, that there was an Officer present, whom he does not point out, not being able to be certain of him, his attention being occupied by the occurrence of the capture, and in attending where he thought there was most necessity. And he ratified and signed the above Deposition in due form.

In the Always Most Faithful City of Havana, on the 23d of December, 1836, there being on board the Spanish brigantine "*General Laborde*," anchored in this harbour, the Senor Don Edward Wyndham Harrington Schenley, with are the Secretary of the Court, in conformity with yesterday's arrangement, there was brought before us a man apparently white, captured in the same vessel, who, being duly sworn, deposed—That he is called Don Jaime Santi; that he is a native of Vigo, in the Principality of Catalonia, and married to Dona Isabel Crosas, a resident of Holguin, in this island. That he is employed in commerce, and, at present, is a passenger in this brigantine, with his family, and the cargo of tobacco belonging to him, as is proved by the Policy now shown in continuation. That the vessel he freighted at St. Jago de Cuba, by means of his correspondents the Senores Puig and Rovero, of Don José Yroategui, the owner; and that this happened in November last. That he embarked the tobacco in the Port of Gibara, where he was depositing it from the 30th November last; and that they set sail on the 15th current for Cadiz and Gibraltar, as they arranged. That there were no other things embarked that he knows of, as all the cargo consists of tobacco, and there are only 20 joists of mahogany, of which 2 are under cover, and the others in the hold, and, as he has seen, of 3 varas or more in length, and, in bulk, about a third in circumference. That nothing has been taken out or moved in the stowage from the time of the detention to the present date. He believes, also, that the tercios of tobacco remain untouched, making the number of 828 tercios. That he believes there are no other pine-planks than those found over the hatches, and that these had formed a steerage, which was removed to make more room for the tobacco. That he could not say how they were fastened together when used for the steerage (it being observed there were no marks on them of nails or pegs), but that the Captain Don Vicente Zaragoza told him that the said planks were used as a boarded floor; as also all other things which are on board, such as a large bricked cabouse for the troops, he brought from Valencia to Cuba in his preceding voyage; some staves and hoops of water-casks for the same reason, on account of the troops; and, in a voyage preceding that of the troops, he had transported criminals from Cuba to the Peninsula in the same vessel, "*General Laborde*," also some fetters may be found in her. At which time the Judge agreed to suspend the examination of this man, continuing it at all times, and whenever it might suit. And the Deponent signed the above, stating himself to be 38 years of age.

In the Always Most Faithful City of Havana, on the 28th of December, 1836, appeared before the Mixed Court a man apparently white, of the crew of the Spanish merchant brigantine-schooner "*General Laborde*," who, being duly sworn, deposed as follows:—That his name is Don Vicente Zaragoza, married, a native and resident of Villajoyosa, and his actual employment that of Captain and Pilot of the brigantine-schooner "*General Laborde*," which vessel was detained by the English schooner-of-war "Pincher," a mile from the Port of Gibara, where the English schooner was also anchored, and raised her anchor at the same time with the "*General Laborde*." That he cannot exactly tell the reason why she was detained, seeing she went out of a Spanish port, with Papers and cargo likewise Spanish, for a Spanish port, namely, Cadiz, which may be seen by the closed Register, which he now exhibited as a perfect proof, hoping that this would explain all opportunely, in order that he might continue his voyage. That he had been at Gibara about 20 days, where he had taken in his cargo to go to Cadiz; and that he had previously come from the port of St. Jago de Cuba, where he had been to leave 65 recruits of the 2d Catalanian Regiment, which he took from Valencia on the 19th of last September, having before that taken from Cuba, of criminals and military, 26 persons to Cadiz; and that he proceeded thence to Valencia for the recruits, whom he finally left at St. Jago de Cuba, as may be seen by the Roll which the English Commander took from him at the time of detention; and that last year, when he bought the vessel and left the port of Havana for St. Jago de Cuba, he conveyed 27 "facciosos," a Serjeant, an Officer of the Accountant Office, and a Lieutenant-Colonel called Don Pedro Zuraya, all which proves that the vessel has been employed in legal operations, and not in illicit ones, as is shown by her last voyage and also her first. That her cargo was composed of 828 tercios of tobacco, belonging to Don Jaime Santi, who is on board with his wife and two children, as is also a discharged Corporal, as may be seen by the Passport which he then produced, besides 20 joists of mahogany and some boxes of twisted tobacco for daily use. That the water-casks, and also those not put together, which were found on board, far from being excessive, have been most necessary to supply the crew and transports of convicts and military when he was so occupied, as before stated. That the pine-planks were used when he conveyed the troops from Valencia to St. Jago de Cuba; that they were necessary to make a boarded floor for sleeping, as the crew and recruits were in all 80 men; and that the gratings, planks, and bars alluded to, were taken from the Intendency of Cuba, which supplied them for the greater security of the prisoners, excepting those planks which he found on board when he bought the brigantine-schooner "*General Laborde*," which were destined for the same purpose as those furnished by the Intendency, to secure the openings of the hatches to keep in the

convicts; and that the grated hatch, which is that belonging to the steerage, was used to give light and air to the Serjeants whom he was conveying from Cuba to Cadiz; the rest of the people were in the hold or fore-hold, and made use of the said pine-boarding. That he did not buy the biscuit or bread at Gibara; but, on the contrary, sold about 5 quintals of it there; that he bought and embarked it at Alicante; where it is much cheaper, and that he was obliged to carry a quantity, as being of the greatest necessity for the feeding of the recruits which he brought to the 2d Battalion of Catalonia in Cuba, and; having made the voyage in 34 days; he had this over, which may serve him for his return voyage. That the provision will be for 40 persons; and is not excessive for the passengers he has embarked for this voyage; and that all the centre of the cabouse is of brick and plaster made in Alicante. That he recognized the Papers shown to him as being the same with which he had navigated the "*General Laborde*." That he has 2-6-pounder guns on board, some muskets, 2 pistols, and some sabres; that he requires these guns and the arms for his defence, and to ask for succour in case of need, more particularly on the American Coast, where some piracies have been committed. And, having stated his age to be 27 years, he affirmed and signed the above Declaration, farther stating Don José H—, of the Giba Company, to be the Owner of the chief part of the vessel, and himself of the remainder, as well as Captain and Pilot; and that the Supercargo is Don Jaime Santi.

In the Always Most Faithful City of Havana, on the 29th December, 1836, appeared before the Court a man apparently white, taken from the prison of La Fuerza, and belonging to the crew of the captured brigantine-schooner "*General Laborde*," who being duly sworn, deposed that his name is Don Domingo Riera; that he is a native of Cartagena of the Levant, an inhabitant of the Island of Leon, unmarried; his trade that of a Pilot, and he is thus employed as the Second in the "*General Laborde*." That the English schooner detained the "*General Laborde*" about a musket-shot's distance from the port of Gibara on the 15th, and from the said English vessel he understood that the detention was caused by the cabouse, which they supposed to be for the African trade; the capturing Commander's attention was also soon attracted by some hoops of broken up casks, not knowing or understanding that the said cabouse and pipes served for the 65 recruits which they had conveyed from Alicante to St. Jago de Cuba, from whence they went to Gibara, and their detention took place upon their quitting that port. That they had embarked a large quantity of bread at Alicante. In the cabin alone there were about 80 quintals, besides a quantity of biscuits in the poop-house of the fore-mast, and when they returned to St. Jago de Cuba there still remained a great deal; and at Gibara, by order of the Captain, from 4 to 6 quintals of it were sold, and that he thought the remainder would suffice for them in going back to Cadiz, which is their destination, and that, instead of coming short, there would remain some over. That he never made any other voyage in the "*General Laborde*" but that from Valencia with the recruits to St. Jago de Cuba, inasmuch as before he was not qualified as a Pilot. That he never knew of the vessel being formerly engaged in slave-traffic, and respecting the cabouse and water-casks he has already given an explanation. That Don Vicente Zaragoza is the Captain and Owner. That the Pilots are the Captain and witness, and Don Jaime Santi is the Supercargo. That when he entered at Alicante as Second Pilot, the sailor Tomas was not on board, having taken his place only a few days before their leaving Gibara, where he was occupied, as well as the others, in the stowage of tobacco. Having examined the Papers taken from the "*General Laborde*" at the time of her detention by the English Commander, that he did not know anything about the Muster-roll, or the Patent from the Board of Health, both of which concerned the Captain, but that the Log-book he knew, it being written with his own hand, and as such he recognizes it, and further stating himself to be 17 years of age, signed as the truth the above deposition.

In the Always Most Faithful City of the Havana, on the 29th December, 1836, one of the crew of the "*General Laborde*," taken out of the prison of La Fuerza, and to appearance a white man, having been duly sworn before the Judges of the Mixed Court, deposed the following particulars: That he is called Agustín Gulliarra—that is, he is a native and resident of Villajoyosa in the kingdom of Valencia, when in that place, and is Boatswain of the brigantine "*General Laborde*," which vessel was detained at the mouth of Gibara, whilst going out with the English schooner. He does not know on what day, but understood the cause, as he learnt from the English officers, arose from suspicions of the cabouse and some vessels, a boarded floor which was made to join, and other articles which he cannot recollect, such as some shackles. That witness stated that concerning the cabouse, on the voyage from Alicante, they undid one of the clay divisions within, to make room for the boiler for the troops, part of whom fed with the other people of the vessel—that the vessels were also made at Alicante, as likewise a "*Samballo*" which is on board, as also the grated hatchway near the cabin, to give ventilation to the Serjeants and Gossamels, who were there; that they had made a boarded floor of typpes, which afterwards they broke up, and that the fetters they had taken on board by way of precaution, to secure the prisoners who embarked at Cuba for Cadiz, but all this did not satisfy the English Captain, who brought the vessel into this port, thinking she was engaged in the slave traffic, from the suspicions induced by the above-mentioned articles. That they took in the bread at Alicante for the recruits; that he cannot be certain if it was 80 quintals, more or less, but that now on board is the remainder of what was taken in at Alicante, of which they sold at Gibara about 5 quintals. That he had never heard of the "*General Laborde*" being employed in slave trading, nor, in that case, would he have remained on board, having a wife and children; he had never thought of going to the Court of Africa. That he does not know the Muster-roll and Warrant from the Board of Health, nor show him; though he knows the cover of the Muster-roll, but cannot be certain, from his ignorance of writing. That Don Vicente Zaragoza is the Captain of the "*General Laborde*," but he does not know who is the owner. That the Pilots are the said Captain and Don Domingo Riera, and the Supercargo Don Jaime Santi. And stating his age to be 36 years, the witness affirmed the above deposition to be the truth, but could not sign the same himself from his aforesaid ignorance.

In the Always Most Faithful City of Havana, on the 30th December, 1836, appeared before the Mixed Court an apparently white man of the crew of the Spanish merchant brigantine-schooner "*General Laborde*," taken from the prison of this city, and who, after being duly sworn, thus deposed: That he is called José de Lazo, is a bachelor, and a native of Guayaquil; is a sailor, and employed at present as such in the "*General Laborde*," that he undertook this employment at St. Jago de Cuba, it being given him by the Captain, Don Vicente Zaragoza, and that they sailed for Gibara, where they in fact went. That at Santiago de Cuba the vessel took in some logs of mahogany, and at Gibara they loaded with "tercios" of tobacco, and from the said port sailed for Cadiz. That before taking a place

as sailor on board the "*General Laborde*," he did not know her, nor had he been on board, and for that reason cannot give an account of her cargo, or of the things found in her. That he was persuaded of its being for slave-traffic by the water-casks, part of the planking, and the cabouse, with the gratings of the hatches, which were all in the same state when he took his place, and that also there were about 85 pairs of shackles, but that he had not heard nor understood that Captain Zaragoza was going to the coast of Africa, but to Cadiz; nor had he either indicated or proposed it to him direct, all which he affirms. That all had been kept on board as when he entered, excepting about 10 pairs of shackles, which were thrown into the water at the time the English Commander sent his boats to take the "*General Laborde*." That the bread was on board when he entered at Santiago de Cuba, neither was any rice, flour, or other kinds of provisions used by the African vessels taken on board, and that at Gibara the Captain sold 4 or 5 barrels of biscuit to a schooner. Having read the examination of Mr. Samuel Butcher of His Majesty's schooner "*Pincher*," he observed it was true his having said that the staves corresponding to the hoops were under cover; they were found in the stowage of the tobacco, and that the greater part of the staves belonged to casks taken to pieces before he entered the vessel, and that at Gibara they broke up two more to make place for the tobacco, being as described by the statement of the 2d English Pilot, which he has just read. And remarking that the English Pilot calls him Tomas, by which name he is also called, although his proper name is José, and that he is 25 years of age, he affirmed the above statement to be the truth, and signed it accordingly.

Third Enclosure in No. 61.

Examination of the Cargo of the "General Laborde."

In the port of Havana, on the 23d December, 1836, the examination of the cargo and the effects of the brigantine-schooner "*General Laborde*" was commenced in the presence of Don George Byng, Commander of the capturing schooner "*Pincher*," and other officers; of Don Jaime Santi, the freighter of the vessel; and of the passenger, 1st Corporal of the regiment of Leon, Juan Rosara, and having taken out through the chief hatch, and through the other towards the cabin a lot of "tercios" of tobacco, they found 6 pairs of shackles, and an equal number of rings for the neck, 8 bars of iron in the manner of clamps, with the holes to receive nails, and 19 bars of iron, about a vara, little more or less in length, 3 as with a head, and the others have in some part a groove to fit. By this time, it being 20 minutes past 4 in the evening, the British Judge ordered that the search should be suspended, the capturing Commander having shown that the vessel did not possess sufficient accommodation to allow of all the cargo being taken out and kept under cover, without exposing it to damage, to continue and conclude the examination with the minute attention necessary, there remaining to be continued the operation, and without injury to examine the other things, as the circumstances might point out, and with attention that all should be kept for the present in the best way possible, and unless anything should occur, until the execution of what they had determined to do.

On the 24th December 1836, the examination of the cargo and the effects of the brigantine-schooner "*General Laborde*" was continued, there being present the British Acting Judge; the Commander Don George Byng; the Government Interpreter, Don Luis Payne; the discharged Corporal, Juan Rosara, and other Officers and crew who were on board; and after taking out the "tercios" of tobacco, and placing them in deposit in the warehouses of the Royal Custom-house, to the number of 828, as appears by the receipt in continuation, they proceeded in the registering and search of the things which had given cause for this operation; and at 5 o'clock in the evening this search was committed to writing—in conclusion, in the Order, expressed as follows. There were found 14 bottoms of casks, and 4 ditto, smaller, which makes 9 vessels; 270 staves, and 89 iron hoops for casks or vessels, 7 iron fastenings to secure the staves, 7 casks of water, 6 barrels of wine, 12 muskets, and 5 guns; 9 short sabres or swords, 3 large joists of pine about $4\frac{1}{2}$ varas long, and 2 small ones; 35 planks of the same, averaging from 3 to $4\frac{1}{2}$ varas, marked with Roman numbers; 19 short ones of the same, about a vara, or a vara and a half, and also marked with the said numbers; and all have cuts or marks which show they have been used; in which act Santi, the freighter, declared that in these planks may be included those which were put on the inventory yesterday, in the routing out of the steerage; 7 pairs of shackles, 7 iron rings for the neck, 3 bars ditto, each about 3 varas long; 9 pieces of iron in the manner of bolts, 8 plates of the same, and 19 ditto in the form of small bars; the said Santi adding that these fetters and pieces of iron were equally included in the inventories of the day before; the capturing Captain also remarking the pieces of iron and the grated hatches, although at present covered with boards, as is common and frequent in slave-vessels. Upon which they deferred making the requisite observations, as also upon the cabouse or kitchen. The same Captain asked to examine the Papers which might be on board, amongst the effects of the Captain and freighter, and there not remaining sufficient time for this operation, which besides required tranquillity and repose, the Lord Judge agreed that the papers should be shut up in the boxes, and, Santi present, be put into a chest and locked, as was done; the Senor Secretary receiving the key, a ribbon was fastened round with sealing-wax, and sealed with the Judge's own seal, in presence of the said individuals; and as the English Commander remarked that the quantity of bread or biscuit was excessive; and taken into consideration amongst the suspicious articles of slave-traffic, the Judge also conceded that in another fitting search it should be weighed, and the result noted down; the said freighter Santi, being warned that the biscuit or bread which might be eaten during the time of their executing the said operation shall be taken with the knowledge of the said Captain, daily noting down what might be taken; and this terminated, the Commissary Judge arranged to suspend this search, and give an account of it to the Mixed Court of Justice, signing it with the specified parties.

(A.) Fourth Enclosure in No. 61.

Papers Found on Board the "General Laborde."

Policy of Freightage.

(Translation.)

DON JOSE YROSTEGUI of this Company and neighbourhood, on one side, and on the other the Messrs. Puig and Rovert, likewise of this Company, to the account of Don Jaime Santi, Supercargo of the brig "*General Laborde*," Don Vicente Zaragoza, Captain, of which Don Jose Yrostegui, is Owner and Consignee, under the following conditions:

Article 1st. The said Owner and Consignee freights to Don Jaime Santi all the space of the said vessel, to take in at the port of Gibara a cargo of "tercios" of raw tobacco, her destination being Cadiz and Gibraltar, or *vice versa*, or only one of these ports, as may best suit, where the unloading will take place.

2. The Consignee and Captain guarantee to the Freighter that the said vessel is water-tight, and her hull, tackle, and stores, in good order; to navigate and convey the cargo safely, and they oblige themselves to prove the said good state at his cost, by means of the Marine Office of this port.

3. They allow to the Freighter, after the vessel shall have arrived at Gibara 12 working days for lading; which being passed, the vessel shall be credited 40 dollars for every day she may be delayed. Also, they allow the Freighter for unloading in the port where it may happen 20 days, and they being passed 30 dollars shall be credited daily to the vessel, until she shall again be at free pratique.

4. The "tercios" which will compose the cargo are to be of the current size of this place.

5. The price agreed on is that of 3 hard dollars for each "tercio" of freight.

6. The vessel being laden, must set out immediately for Cadiz or Gibraltar.

7. The duty in the port of Gibara, and the duty in the other ports indicated, will be verified according to the respective customs in those ports.

And for proof and security of the parties, we hold one of the same tenor at St. Jago de Cuba. 9th December, 1836.

(Signed)

JOSE YROSTEGUI.
PUIG Y ROVERT.

(B.)

Policy of Insurance of the "General Laborde."

The Company of Maritime Insurance at the Havana.

(Translation.)

We insure to you Don Antonio de Alvear of this Company, for account of the parties concerned, from all risks seen and unforeseen, as will be stated in the treatise of this Policy, the sum of 5,000 dollars upon the value of the four-fifth parts of the hull, keel, sails, tackle, and other things internal and external of the Spanish brig "*General Laborde*," of the register and tonnage as may be, which, with the crew she shall have, and in command of her Captain, Don Vicente Zaragoza, or he who may be, ought to navigate or be navigating from this port of Santiago de Cuba for that of Cadiz, with passage into Gibara. And placing ourselves in your stead, we take to our charge all the injuries and losses that may be suffered by the insured vessel, those excepted which may proceed from a voluntary change of voyage without our consent, or a prolongation of the same to a period more remote than designated in this insurance, from dispositions arbitrary and contrary to the contract of freighting or the Bill of Lading of the proprietor of the vessel or his representative, from illegal and contraband commerce, and from frauds by the Captain or sailors, for which this Company is not answerable; our said risks beginning to run from the moment that the said vessel shall make sail from Santiago de Cuba until 24 hours after she may have anchored in Cadiz, the Captain being able to navigate freely, and make the harbours and ports that shall be necessary for the benefit of his voyage, we being responsible for the general average, according to what is prescribed in the commercial code, and for the unconditional under the terms which will be explained at the end of this contract. For so much recognizing in this Policy as much power in law as may be necessary, we oblige ourselves to credit and pay you all the damages and injuries which may occur to the said ship by reason of the risks we have taken to our charge, agreeing as a premium to this insurance $2\frac{1}{2}$ per cent., which account you have settled; promising to verify the payment of the loss to your order 30 days after the loss is certified, in current money of gold or silver; and, as to the damages, they will be liquidated according to rule, holding ourselves insured and insurers in all besides that may not be mentioned herein, as provided by the mercantile laws upon maritime insurances. And if there shall occur any motive for alteration, we submit mutually from this time to the judgment of 2 persons of this Company, who, as arbitrators, shall be named by both parties, and to the decision of a third, who, in case of disagreement, the same shall elect prior to all substantiation and decision; with the express renunciation of the other rights and shares which might favour us. It ought to be understood that the agreements and conditions contained in the preamble of the present Policy are void when the manuscript of the same is altered or annulled.

5,000 dollars) For 5,000 dollars, in conformity with the foregoing Policy, answering for the simple $2\frac{1}{2}$ premium; damages which exceed 7 per cent. upon the total value of the said vessel, all on account of this Company.

Havana, fifth of December, 1836, at 11 o'clock in the day.

(Signed)

I. R. DE URZAINQUI.

(C.)

Don J. Yroategui to Don A. Alvear.

(Translation.)

SEÑOR DON ANTONIO ALVEAR, HAVANA,

Cuba, 17th November, 1836.

Esteemed friend and countryman;—Yesterday I received yours of the 10th and 24th October last, having written to you by different ways under date of the 20th and 21st of the same, and 8d instant, concerning the insurance of 7,700 dollars upon the "*Negrila*," from this port to that of Coruna, under the command of her Captain, Don José Renteira, to whose order I now ratify. It is well you may have charged me 243 dollars 6 ¢ premium and expenses of the insurance of 6,000 dollars upon the brigantine "*Livral*," since they are credited with this date. I charge to your account 20 dollars, which have been delivered for that of Don Wenceslao Revilla, for which you may credit me.

The flour which the "*Frasquita*" brought me I am selling at 20 dollars the barrel, and at 18 dollars I gave up at the beginning more than half of the cargo.

This commerce, on account of the non-communication we are in, is entirely paralyzed, so that I have been obliged to put the cargo brought by the "*Laborde*" into my stores, and as this vessel is to sail for Gibara to lade there with tobacco, with her Captain, Zaragoza, for which purpose he has freighted her at 3 dollars, I will thank you to have her insured for 5,000 dollars.

I am, &c.

CLASS A.

O

We are at the 26th of the same, and I take advantage of the sailing of the "*Havanera*" for your port to triplicate that which goes before, whose duplicate and original I am afraid may be delayed. The "*Havanera*" has only discharged 500 barrels, which sold at 19 hard dollars, and the price continuing to fall, they did not dare to discharge, on account of the circumstances we are in, which are really to be feared a little.

I beg you to tell me if there shall have come to your place 50 or 60 Alm. hide, of which I have here some very fresh, and what other Peninsular effects may therein be reckoned.

Always, &c.
(Signed) J. YROSTEGUI.

Fifth Enclosure in No. 61.

Don A. Alvear to the Mixed Court.

(Translation.)

Havana, 21st December, 1836.

I, DON FERNANDO ANTONIO ALVEAR, Consignee of the Spanish brigantine "*General Laborde*," to your Excellency and the Gentlemen "*como mas haya lugar en denecho*," state:—that the said brigantine having left the port of Gibara for that of Cadiz, was captured by His Britannic Majesty's schooner "*Pincher*," and conducted to this place to be judged by the Mixed Commission. The brigantine "*Laborde*" left Cuba for Gibara to lade with tobacco, as appears by the letter sent with her in due form under No. 1. I received orders to insure the vessel for 5,000 dollars. This I did, as is proved by the Policy which is contained in No. 20, and thus the frankness of the orders, as well as the clear and precise terms in which the insurance is couched, prove in an unequivocal manner that the brigantine was employed in legal trade. Besides, the vessel went registered in form, and the cargo itself taken in at Gibara, and consisting of 828 "*tercios*" of tobacco, had a legal and known destination; and there went on board as passengers, Don Jaime Santi, his wife and two children, the first being at the same time Freightier and Supercargo. It is even ridiculous to suppose that an entire family would go to employ themselves in a prohibited traffic, and the supposition very unfounded in this case to the brigantine in question, which, from the time she was obtained by Don José Yrostequi of the Commercial Company of Cuba, and the same Captain, Don Vicente Zaragoza, was never dedicated to anything but what is notoriously legal, usually conducting recruits. The English Commander proceeded, then, as much without foundation as arbitrarily in impeding the voyage of the brigantine "*Laborde*," in putting her out of her route, and conducting her captured to this port, with a cargo and passengers. Look at the register and cargo, examine the Vessel's Papers, and tell me frankly if a vessel destined for a prohibited trade has ever borne such marked characters of legality and good despatch. The Treaties concluded with His Britannic Majesty have all for their object the abolition of the Slave Trade, but they are very cautious in the Articles that no risk shall be incurred which might have a tendency to cause extortion to commerce. So directs Article 6 of the Treaty signed at Madrid on the 28th June, 1835, and therein is shown the anxiety with which the two high contracting parties act to remove injuries to commerce, giving rules in case of arbitrary and illegal detention of vessels. Read also the 7th Article of the Annex, Letter B., and you will find the form with which they have advised not only the liberation of the vessels arbitrarily detained, but also their complete indemnification. In spite of all this the vessel is still anchored in this bay, with complete incommunication, and guarded by the schooner "*Pincher*," as is evident by the Certificate which he also sent under No. 3. All the circumstances which have just been stated, those which appear by the Register and Papers, make indispensable a speedy decision by the Mixed Court, upon the liberation of the vessel, and a complete indemnification of the injuries according to the Treaty, and the decision ought to be so much the more urgent, as thereby further injury will be avoided, which is always of a magnitude difficult to reduce to computation. In this state of things I entreat your Excellency and the other Gentlemen that, having the Documents I send you in due form, you will be pleased with all despatch to declare that the detention and obstruction in her route of the brigantine "*General Laborde*" be illegal and arbitrary, leaving her free to pursue her voyage, and indemnifying her completely, according to the Treaties, from all losses, damage, and injuries which shall prove to have been caused thereby. Thus I await the equity of your Excellency and the other Gentlemen,

(Signed) FERNANDO ANT. DE ALVEAR.

Havana, 22d December.—The Papers accompanying the above being presented, were added to the others, there being present,

(Signed) E. W. H. SCHENLEY.

(Signed) FERNANDINA.

JUAN FRANC. CASCALES, *Secretary*.

Sixth Enclosure in No. 61.

Weight of Biscuit on board the "General Laborde."

(Translation.)

IN the always most faithful city of Havana, on the 29th December, 1836, at 9 o'clock in the morning, the British Judge went on board the Spanish merchant brigantine-schooner "*General Laborde*," accompanied by the public Weigher of this city, Don Augustin Merat, and by the Messenger (Alguazil) of this Court, Don Juan Tomas Sedano, to effect the pending inspection of the weighing of the bread, and there being present the English Commander, and the Freightier of the vessel, Don Jaime Santi, the said public Weigher proceeded to the operation, and having concluded the same, declared there were 20 quintals 7 pounds nett, of bread or biscuit, and that he had done the same faithfully and legally, according to his ability; when the British Judge concluded this Act, and signed the same, I the Secretary being present. Certified.

(Signed)

E. W. H. SCHENLEY.
GEORGE BYNG.
AUGUSTIN MERAT.

(Signed) JAIME SANTI.

JUAN FRANC. CASCALES, *Secretary*.

Seventh Enclosure in No. 61.

Opinion of the Spanish Judge in the Case of the "General Laborde."

CONSIDERING with respect to the facts—

That by the Official and private Papers found on board the "*General Laborde*," it is proved in a positive manner that she left Gibara for Cadiz laden with tobacco and with various passengers.

That if the object of her voyage had been to employ herself in the Slave Trade, there would have been already found the merchandize usually taken to the Coast of Africa for this speculation, also the great supply of water necessary for a long voyage, and also, lastly, the provision of cheap food which is likewise customary in such cases.

That the provision of bread, although abundant, was not so excessive as to found prudent suspicions.

That the idea of Cadiz being the destination of the vessel is confirmed by the facts indicated, as also by the very decisive one of the vessel being insured for that voyage, as it cannot be presumed, even remotely, that, in order to undertake an illicit speculation, and so extensive as that attributed to the "*General Laborde*," they would uselessly have made so considerable a disbursement as that verified by the Owners, merely to guarantee her successful arrival at that port.

And lastly, that the demonstration of the said opinion reaches even to a degree of proof not to be rejected, if one attend to there being found amongst the passengers the merchant Don Jaime Santi, his wife, and two children, persons who, under no aspect, could in sound reason have embarked to traffic illicitly.

But that at the same time it appears from the proceedings that the "*General Laborde*" carried spare planks, fetters, hatches with the gratings covered over, a sort of mess-tub larger than those required for the use of the crew of a merchant-vessel, and the other suspicious articles described by Mr. George Byng.

As to the justice.

That although it is indubitable that the "*General Laborde*," with the suspicions as related, was rightly detained, according to the Agreement in Art. 10 of the Treaty of the 28th June, 1835, in which it is said, "It is hereby further mutually agreed that every merchant-vessel, British or Spanish, that may be visited, &c., may lawfully be detained, and sent or brought before the Mixed Courts of Justice, if in her equipment there shall be found any of the things hereinafter mentioned, namely,—

1. Hatches with open gratings, instead of the close hatches which are usual in merchant-vessels; 2. Divisions, or bulk-heads in the hold, or on deck, in greater number than are necessary for vessels; engaged in lawful trade; 3. Spare planks, &c., &c.; 4. Shackles, bolts or handcuffs, &c., &c., &c. In the same way it is evident that these circumstances, according to the words of the Treaty, cannot be considered as insurmountable obligations which may necessarily produce condemnation, but "as *prima facie* evidence of the actual employment of the vessel in the Slave Trade," and to condemn and declare her to be lawful prize in the absence of other circumstances which may refute them, or prove it not to be the actual destination of the vessel, or the object of her voyage, since in the same Treaty it is said that the quoted Article shall take effect "unless satisfactory evidence upon the part of the Master or Owners shall establish that such vessel was, at the time of her detention or capture, employed in some legal pursuit."

Considering that at the time of the detention of the "*General Laborde*" she was employed as before said in making a voyage to Cadiz with passengers and a cargo of tobacco, which is a legal pursuit, He declares,—

That the capture made by Mr. George Byng, Commander of his Britannic Majesty's brigantine "Pincher," of the Spanish merchant-brigantine "*General Laborde*," opposite to Gibara, on the 16th December, 1836, although accomplished from just motives for suspicion, is not a good Prize. And that this Case being comprehended in the 11th Art. of the Treaty referred to, according to which, if there is found on board a merchant-vessel any of the things specified, neither the Master, nor Owner, nor any person whatever shall be entitled to compensation for losses or damages, and that the capturing Captain be absolved from all responsibility. That the embargo under which the "*General Laborde*" now is raised, returning to the Captain and Supercargo the Papers and Documents which have been shown, leaving amongst the proceedings a certified Notice of them, and that this decision be communicated to their Excellencies the Captain-General, the Commandant of Marine, and the Intendent, for the setting at liberty the persons arrested, and for the giving up of the vessel, cargo, and other effects thereof.

(Signed)

EL CONDE DE FERNANDINA.

Havana, 14th January, 1837.

Eighth Enclosure in No. 61.

Opinion of the British Acting Judge in the Case of the "General Laborde."

THE Treaty of the 28th June, 1835, was concluded between His Majesty the King of the United Kingdom of Great Britain and Ireland, and Her Catholic Majesty, "in the spirit of the Treaty contracted between both Powers on the 23d September, 1817," the High-contracting Parties "being desirous of rendering the means taken for abolishing the inhuman traffic in slaves more effectual."

Article 2 engages that Her Catholic Majesty will take the most effectual measures for preventing the subjects of Her Catholic Majesty from being concerned, and Her flag from being used in carrying on, in any way, the trade in slaves; and especially that Her Catholic Majesty will promulgate a penal law, inflicting a severe punishment on all those Her Catholic Majesty's subjects who shall, under any pretext whatsoever, take any part in the traffic in slaves. By virtue of the 4th Article of the Treaty, ships of the Royal Navies respectively, provided with special instructions for that purpose, may visit such merchant-vessels of the two nations as may, upon reasonable grounds, be suspected of being engaged in the traffic in slaves, or of having been fitted out for that purpose, and send them for trial in the manner hereinafter agreed upon.

By the 3d Rule laid down under this same Article, authorizing the right of search as regards merchant-vessels, it is directed that the Certificate exhibited by the Commander of the merchant-vessel shall declare that the only object of the search is to ascertain whether the vessel is employed in the slave traffic, or if it is fitted up for the said traffic.

By the 8d stipulation of the 5th Article, it is provided that if the Commander of a cruiser of either

of the two nations shall *suspect* that any merchant-vessel, though under the escort or convoy of any ship or ships of the other nation, carries slaves on board, or has been engaged in the traffic in slaves, or is *fitted out* for the purpose thereof, he shall, accompanied by the Commander of the convoy, proceed to the search of the suspected vessel; and in case that the suspicions appear well founded, according to the tenor of this Treaty, that the said vessel shall be conducted, or sent, to one of the points where the Mixed Courts of Justice are stationed, in order that the *just sentence* may there be pronounced.

By Article 10, which defines the circumstances distinctive of a vessel fitted up for the traffic in slaves, it is stipulated, that any one or more of the several circumstances therein specified, if proved, shall be considered as *prima facie* evidence of the *actual* employment of the vessel in the Slave Trade, and the vessel shall thereupon be *condemned* and *declared lawful prize* (y servira alguna de estas circunstancias para condenarle y declararle buena presa), unless *satisfactory* evidence shall *establish* that such vessel was, at the time of her detention or capture, employed in some legal pursuit.

By the 12th Article, requiring the breaking up, &c., is contemplated—1st, the *detaining*, and 2d, the *condemning* a vessel, not only as “having been engaged in the Slave Trade,” but also as “*having been fitted out* for the purposes thereof.”

By Article 1 of Annex B, declared to be an integral part of the Treaty, the Judges and Arbitrators are required to swear “that they will act in all their decisions in pursuance of the *stipulations* of the aforesaid Treaty.”

Article 4 of ditto, authorizes the Judges to take the Declaration on Oath of the Captor, if it should appear to them necessary to do so, “in order to *judge* and *pronounce* whether the said vessel has been *justly* detained or not, according to the stipulations of the Treaty,” and in order that, *according to* this judgment, the vessel may be *condemned* or *released*.

With regard to the sentence of the Court there are two points for consideration; 1st, the *legality* of this *detention*, and 2d, the *liability* to condemnation. Article 10 of the Treaty determines both these points.

1st. It is thereby mutually agreed that every merchant-vessel, British or Spanish, which shall be visited by virtue of the present Treaty, may *lawfully be detained*, if in her equipment there shall be found *any* of the things hereinafter mentioned.

2d. With regard to the liability to condemnation, the Treaty stipulates that *any one or more* (alguna ó algunas) of these several circumstances, if proved, shall be considered as *prima facie* evidence of the *actual* employment of the vessel in the Slave Trade; and the vessel shall *thereupon* (upon that evidence that is) be *condemned* and *declared lawful prize*, unless, &c. In this exception it is required that it be *satisfactorily established* that the vessel at the time of her detention or capture was employed in some “*legal pursuit*,” which predicament is expressed in Article 10, 6th head, by the terms “*lawful commerce*.” By the 10th Article of this Treaty, it is stipulated that vessels found equipped after a certain manner, therein specified, even in the least degree, are to be deemed as “*fitted out*” for the purpose of the Slave Trade. And under one of the heads (Article 10, 6th) relating to “water-casks and other vessels for holding liquid,” it is particularly required “that the Master (in order to prove that he is “*employed* in some legal pursuit, or for purposes of *lawful commerce*”) shall produce a *certificate* from the Custom-house at the place from which he cleared outwards, stating that a *sufficient security* had been given by the *Owners* of such vessel that such *extra* quantity of casks or of other vessels should *only* be used to hold *palm oil*, or for other purposes of *lawful commerce*.”

In a vessel therefore fitted and equipped, in almost every circumstance, as pointed out under Article 10, and not having the above stipulated “*certificate*” to support the allegation of her being “*employed* in some *legal pursuit*,” the fact of her having on board a cargo of any description of *legal merchandize*, (See Annex B., Article 2) cannot, of itself, entitle her to be considered an honest trader, or employed for “*purposes of lawful commerce*,” more especially when it is taken into consideration, that from the circumstances of her equipment, there are “*reasonable grounds*” for suspecting her of “*having been fitted out* for the purpose of the traffic in slaves,” and also that the alleged destination is all in the track of the real destination, which, from the several circumstances before recited, she may “*reasonably*” be deemed to have, and as, moreover, it seems unreasonable to suppose that a vessel intentionally “*fitted out* for that purpose” should proceed upon such a voyage in ballast only.

Such is the construction which I placed upon the Treaty, and its Annexes of the 28th June, 1835, by which the Spanish brigantine, “*General Laborde*,” Vincente Zaragoza, Master, is to be judged, for having been found by His Majesty’s schooner, “*Pincher*,” Lieutenant George Byng, Commander, on the 16th December, 1836, “with all the fittings and appurtenances, with but very few exceptions, prohibited” by the 10th Article to the above Treaty. The Vessel’s Papers, and other Documents, consisting of 7 in number, which have been produced before the Court, offer no *satisfactory evidence*, to establish the legality of the equipment with which the “*General Laborde*” is fitted.

1. The Captain’s (also the First Pilot) evidence. The first part of which is only declarative of his surprize at being detained, seeing that he was sailing out of a Spanish port, with Spanish Papers and cargo, bound to a Spanish port, viz. Cadiz, as per Register. The rest of the evidence is a statement of the employment of the vessel since the time he bought her in Havana last year, with the view of that the vessel has been employed in legal operations. In his first trip from Havana to St. Jago de Cuba, he conveyed 20 “*facciosos*” and 3 passengers. He next conveyed 26 persons, “*criminals*” and military, to Cadiz. On his return, he embarked from Valencia, on the 19th September, 65 recruits of the 2d Catalonia Regiment, whom he landed at St. Jago de Cuba. He states, without adducing any Document in proof of the assertion, that the grating, planks and bars, were taken from the Intendency of St. Jago de Cuba, which furnished them for the security of the prisoners, with the exception of those planks which were on board when he bought the vessel. This statement is meant to imply, not only that he was engaged in legal, and not illicit operations, but also an excuse for the manner in which the vessel is fitted; well enough adapted indeed for purposes of confinement, but which being prohibited by the stipulations of the Treaty, cannot be overlooked or allowed.

Domingo Rizu, Second Pilot, deposes, that he never knew of the vessel being formerly engaged in the Slave Trade, and that the only voyage he has made in her was from Valencia, with the recruits, to St. Jago de Cuba, not having before that qualified as Pilot, but that the caboose and water-casks then served for the use of the recruits.

Agustin Galliana, Boatswain, deposes that he made a voyage from Alicant to St. Jago de Cuba with recruits; that he never heard of the “*General Laborde*” being employed in slave trading, nor in that

case would he have remained in her; having a wife and children, he had never thought of going to the Coast of Africa.

The evidence given before the Court by Don Jaime Santi, the Supercargo, declares that himself and family are passengers on board the brigantine; that the tobacco with which she was freighted belongs to him, and that she sailed on the 15th December from Gibara, for Cadiz and Gibraltar.

The deposition of the Captor, as likewise that of Mr. Samuel Butcher, Second Master of the "Pincher," induced the Court to appoint a Commission to proceed on board the brigantine, for the purpose of ascertaining whether there existed in her hold additional proof of her being *fitted up for the traffic in slaves*.

The Supercargo, Don Jaime Santi, who had remained in the vessel since her detention, declared that no alteration had been made by the Captors, and that everything was in the same state as when the vessel was taken possession of.

Upon inspection, after removing the hatches (which were found to be fitted with "open gratings"), in addition to the slave equipment enumerated in the Captor's Declaration, the following articles were produced:—1st, staves and binding for casks or large leaguers, such as are used exclusively by slave-vessels, amounting to about 9, with 89 hoops for ditto; 2dly, materials for laying a slave-deck, consisting of pine joists, planks marked with *carved* roman figures, which had already served for this purpose, also new plank, some of which appeared to have been already cut and fitted; 3dly, 7 pairs of iron shackles, 7 iron rings for confining by the neck, 3 bars of iron 3 varas long, 3 pieces of iron for shackle-bolts, 9 other pieces ditto ditto, 8 broad bars or plates of ditto 3 varas long, and 19 ditto in the form of small bars, a double-handled bucket or utensil for necessary purposes, invariably in use and required for the female slaves; the whole of these articles being exactly similar to those usually found on board slave-vessels.

Thus there have been found in the equipment of the "*General Laborde*" nearly every article enumerated in the 10th Article of the Treaty of the 28th June, 1835, viz., first hatches with open gratings.

2d. Divisions, or bulkheads, in greater number than are necessary for vessels engaged in lawful trade.

3d. Spare planks "*fitted*" for laying down as a second or slave-deck, being regularly numbered with carved roman figures.

4th. Shackles, bolts, and handcuffs, also neck-rings.

In connexion with the irons found stowed with the cargo, and which could not readily be got at, in consequence of the hatches being battened down, I would invite particular attention to the testimony of José Lazo, one of the crew of the "*General Laborde*," who deposes before the Court that he was persuaded of the vessel being destined for the Slave Trade by the *water-casks*, part of the *planking*, the *cabouse* and the *gratings* of the hatches, which were all in the same state when he took his place, and that also there were about 35 pairs of shackles, and that all had been kept on board as when he entered, except about 10 pairs of shackles, which were thrown overboard at the time the English Commander sent his boats to take the "*General Laborde*."

5th. A larger quantity of water in casks than is required for the consumption of the vessel as a *merchant-vessel*, being at the least seven tons, or upwards of 1,760 gallons, for a registered crew of 16 men with 5 passengers, which would amount to more than water enough for three months' voyage at the full allowance of a gallon per man per diem.

6th. An extraordinary number of water-casks in bundles of staves, commonly called shakings, without the *stipulated* Certificate from the Custom-house stating that a sufficient *security* had been given by the Owners that such extra quantity of casks should only be used to hold palm-oil, or for the purposes of lawful commerce.

7th. A cabouse, or cooking stove (the boiler only was wanting), larger than requisite for the use of the crew of the vessel as a *merchant-vessel*; and all this without the slightest evidence being adduced affording a shadow of plausibility that such an equipment was necessary, or any ways adapted to the objects of her stated voyage. In addition the coamings of the small hatchway forward, commonly called the fore-peak, were found pierced with holes for the insertion of bars, such place being usually employed as a prison or place of confinement for refractory slaves, her main-hatchways being also impeded by cross-beams below.

In reliance, therefore, upon the good faith in which this Treaty was mutually concluded by the two High Contracting Parties, which disallowed vessels to be equipped or fitted out for the purpose of the traffic in slaves, and considering that almost all the circumstances enumerated in the Treaty, implying the actual employment of the vessel in the Slave Trade, have been found to exist on board the "*General Laborde*," considering also that the Masters or Owners have failed in producing the *stipulated Certificate* required in the 6th item of the 10th Article, and in other respects have not given *satisfactory* evidence to *establish* that the vessel was employed in a legal pursuit; seeing that neither the cargo nor passengers being on board thereof, and both declared to be destined for a port by the way, can furnish an assurance that she is not destined to the Coast of Africa; considering also the fact of her throwing overboard the 10 pairs of shackles, sworn in evidence by José Lazo, a fact which cannot fail to impress an impartial mind with the conviction of the guilty feeling as regarded the destination of the vessel, which prompted the Commander to such a measure at such a moment when he was about to be boarded by the boats of His Britannic Majesty's schooner; considering also the sworn conviction of the aforesaid José Lazo as to the *objects and destination* of the vessel, and his reasons assigned the Acting British Judge is of opinion that the Spanish brigantine "*General Laborde*" was properly and legally detained by His Majesty's schooner "Pincher," Lieutenant George Byng Commander; and moreover that it being fully and clearly established that she is equipped for the traffic in slaves, he, for the same reasons, considers she ought to be condemned and declared lawful prize, to be dealt with according to the regulations and conditions contained in the Treaty of the 28th June, 1835.

14th January, 1837.

(Signed) EDWARD W. H. SCHENLEY.

Ninth Enclosure in No. 61.

Sentence in the Case of the "General Laborde."

In the Always Most Faithful City of Havana, on the 17th January, 1837, the Most Excellent Señor Don José Maria Herrera y Herrera, Count Fernandina, &c. &c., Spanish Judge in the Mixed Court of Justice, and Don Edward Wyndham Harrington Schenley, British Judge, by permission of his Government, in the absence of Don William Sharp Macleay, and his Excellency Don Juan

Montalvo y O'Farrill, &c. &c., chosen from the contrariety of opinion, according to the Treaty of the 28th June, 1835, having seen these proceedings upon the detention made by the English schooner-of-war "Pincher," on the 16th December last, opposite Gibara, under Article 10 of the said Treaty, of the Spanish merchant-brigantine-schooner "*General Laborde*," together with the accounts of the examinations made in the captured vessel, the depositions of the Spanish Captain, Pilot, and other individuals, the Papers received and presented by the English Commander in the act of giving his Declaration, and the others shown and included in the summary which was made of Papers on the 31st December of the past year; and taking into consideration the opinions of the said Spanish and English Judges, which were filed amongst these proceedings, as also that the indications which induced the Captain to detain her *prima facie*, have been cleared from all guilty imputation, satisfactorily, in the opinion of the Arbitrator, with the Royal Sailing Passport of the Spanish brigantine-schooner, the Muster-roll, Patent of Health, the Royal Custom-house Register of the 828 "tercios" of tobacco, and the mahogany logs, the Policy of Insurance, the Passports of the passengers, including in the number Don Jaime Santi, with his wife and 2 children; neither is there found in the vessel the things for mess, as is customary in those dedicated to Slave Traffic; that although there were found the shackles, casks, grated hatches, and planks, which caused the detention, yet the reasons of the Spanish Captain also prove that in his former voyages he was employed in transporting prisoners, and recruits for the 2d regiment of Catalonia, in the province of St. Jago de Cuba. It must also be borne in mind that the "*General Laborde*" was captured on going out from Gibara, and not at any other place which might cause the certainty of her voyage to Cadiz to be suspected; for all which, and in accordance with the 4th Article of the Regulations for the Mixed Courts, inserted in the said Treaty under letter B, they say that they ought to declare, with all truth, according to the proceedings in these judgments, briefly and summarily, to be truly known as illegal, the capture of the Spanish brigantine-schooner "*General Laborde*," notwithstanding the indications which offered *prima facie* to the English Commander for her detention, by virtue of the Spanish Captain having satisfactorily certified that the captured vessel was, at the time of her detention, engaged in a legal speculation, but without the Captain, Owner, or any other person interested in the equipment or cargo of the vessel having a right to claim for damages or loss; consequently they give notice that the detained vessel and her cargo be given up to the Spanish Captain, and those interested, by formal writ, which they will subscribe, in order that she may continue her voyage, or in its defect, to make other legal use thereof; and that this is their adjudged and definitive sentence thus they decree, command, and sign, the British Commissioner affixing his signature with reference to the separate and divided opinion which he has emitted to the Court, I, the Secretary, being present, do certify.

(Signed)

EL CONDE DE FERNANDINA.

JUAN MONTALVO.

EDWARD W. H. SCHENLEY.

JUAN FRANCESCO CASCALES, *Secretary*.

Tenth Enclosure in No. 61.

His Majesty's Commissioners to the Captain-General.

Havana, 18th January, 1837.

THE Undersigned, His Britannic Majesty's Commissioners for the suppression of the Slave Trade, feel it their duty to acquaint his Excellency the Captain-General, that the Spanish brigantine "*General Laborde*," now in this harbour, although yesterday absolved from further detention by the sentence of a majority of the Mixed Court of Justice, yet she has on board, in her equipment, almost all the articles enumerated under the 10th Article of the Treaty of the 28th of June, 1835, which the above tribunal did not feel itself competent to direct the seizure or destruction of.

The Undersigned trust that his Excellency the Captain-General may not consider that they exceed the limits of their official character as Commissioners for the suppression of the Slave Trade, in respectfully expressing their earnest hope that his Excellency will take such steps as may effectually prevent the brigantine "*General Laborde*" from again quitting this Island equipped as a slave-vessel.

The Undersigned have the honour to be, &c.

His Excellency the Captain-General,

(Signed)

E. W. H. SCHENLEY.

&c.

&c.

&c.

R. R. MADDEN.

Eleventh Enclosure in No. 61.

(Translation.)

The Captain-General to His Majesty's Commissioners.

GENTLEMEN,

Havana, 26th January, 1837.

THE Second Assessor-General (First *ad interim*), to whom I referred your communication of the 18th instant, as also the preceding ones relative to the capture of the "*General Laborde*," has advised me, under date of the 23d, as follows:—

"Most Excellent Sir,—The Captain of the brigantine '*Laborde*' being absolved by the Mixed Tribunal established in this Island, as is accredited by the sentence forwarded to your Excellency by the said tribunal in its Official Letter of the 17th instant, there appears to be no right in the request and solicitude of the British Commissioners of the 18th, inasmuch as the Articles which were found on board not having sufficed to condemn her, it would be an act of injustice to cause to be destroyed what is qualified as good, and permitted by the said Sentence: in which terms it appears to the Assessor the Commissioners should be replied to, or as your Excellency may deem most proper."

And, having conformed with this advice, I transcribe it for your information, and in reply to your aforesaid Official Letter.

God preserve you many years.

(Signed)

MIGUEL TACON.

The British Commissioners,

&c.

&c.

&c.

Twelfth Enclosure in No. 61.

(Translation.)

The Captain-General to His Majesty's Commissioners.

GENTLEMEN,

Havana, 17th January, 1837.

HAVING acquainted the Commandant-General of Marine with your communication of the

11th instant, on the subject of the arrival at this port from the Coast of Africa of the Spanish brig "*Jacinto*," — Trillo, Master, after having, as is stated therein, landed a cargo of slaves on the Coast of this Island, that Officer has transmitted to me the summary which he caused to be instituted to ascertain if the said vessel had been employed in the prohibited traffic of negroes; and it not appearing therefrom that she was so employed, I beg to acquaint you therewith for your information, and in reply to your above-mentioned Official Note.

God preserve you many years.

The British Commissioners,
&c. &c. &c.

(Signed) MIGUEL TACON.

No. 62.

His Majesty's Commissioners to Viscount Palmerston.—(Received April 17.)
MY LORD, *Havana, 31st January, 1837.*

WE regret, that it has not been in our power to procure the names of any of the slave-vessels which have departed from this port during the last month for the Coast of Africa, excepting on the 13th the "*Dolorita*," Spanish schooner, for San Tomé, and on the 14th the Portuguese schooner "*Constituição*," for the Cape Verdes. We have, however, good reason to believe, that several other vessels have sailed from hence with the same destination during the month.

We have obtained the following List of Arrivals, viz.—

January 4,	Portuguese Schooner	——, ——.
" 7,	" Brigantine	——, ——.
" 10,	Spanish Brig	" <i>Jacinto</i> ," — Trillo, Master.
" 12,	Portuguese Ship	" <i>Cavalho Marin</i> ," — Perez, Master.
" 18,	" "	" <i>Duquesa de Braganza</i> ," ——.
		(a) " <i>Europa</i> ," (a) " <i>Alerta</i> ."
" 19,	" Brig	——, ——.
" 20,	" Ship	——, ——.
" 26,	" Schooner	" <i>Prueba</i> ," — Diaz, Master.
" 27,	" Brig	" <i>Margaret</i> ," — Ayons, Master.
" 28,	" Schooner	——, ——.
" 29,	" Brig	——, ——.
" 30,	" Schooner	" <i>Josefina</i> ," — Pinto, Master.

The "*Jacinto*" being under the Spanish flag, we addressed a Letter denouncing her to the Captain-General, to which we have received the usual reply.

In again taking the liberty to request your Lordship's particular attention to these Lists, and to the fact which they exhibit, that nearly all the slave-vessels which now frequent this Island are protected by the Portuguese flag, we may also add, that we have learned, upon respectable authority, that scarcely any other than the Portuguese flag is at present insured here for these nefarious transactions, and that the vessels using it sail from hence equipped in every circumstance for the Slave Trade.

We have, &c.

(Signed) EDWARD W. H. SCHENLEY.

P. S. On the 27th of January, Lieutenant Robinson, commanding His Majesty's schooner "*Skipjack*," who called in at this port, states, that His Majesty's ship "*Champion*," Captain R. Fair, had recently captured a schooner named the "*Carlota*," sailing under Portuguese colours, and having upwards of 200 negroes on board; that these persons were landed and distributed at Belize, when shortly afterwards the cholera morbus broke out in that Colony with such violence as to render it impossible for His Majesty's brig "*Wanderer*" to communicate with the shore. This vessel was despatched to Honduras in compliance with your Lordship's wishes, as stated to us in your Lordship's Letter, No. 20, of the 20th October, 1836.

The Right Hon. Viscount Palmerston, G.C.B.

&c. &c. &c.

Enclosure in No. 62.

(Translation.)

The Captain-General to His Majesty's Commissioners.

GENTLEMEN,

Havana, 17th January, 1837.

HAVING acquainted the Commandant-General of Marine with your communication of the 11th instant, on the subject of the arrival at this port, from the Coast of Africa, of the Spanish brig "*Jacinto*," — Trillo, Master, after having, as is therein stated, landed a cargo of slaves on the coasts of this Island, that Officer has transmitted to me the summary which he caused to be instituted to ascertain if the said vessel had been employed in the prohibited traffic of negroes; and it not appearing therefrom that she was so employed, I beg to acquaint you therewith for your information, and in reply to your above-mentioned Official Note.

God preserve you many years.

The British Commissioners,
&c. &c. &c.

(Signed) MIGUEL TACON.

No. 63.

His Majesty's Commissioners to Viscount Palmerston.—(Received April 17.)
 MY LORD, *Havana, 4th February, 1837.*

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 9th December, 1836, stating to us that it is comparatively of little importance, how much the broken pieces of a condemned slave-vessel may sell for, and that the essential point is that they should be so broken up as that it shall be impossible to re-construct them.

We beg leave to assure your Lordship that our attention has been particularly directed to this point, and that our vigilance will remain unabated.

We have, &c.
 (Signed) EDWARD W. H. SCHENLEY.
 R. R. MADDEN.

The Right Hon. Viscount Palmerston, G.C.B.
 &c. &c. &c.

No. 64.

His Majesty's Commissioners to Viscount Palmerston.—(Received April 17.)
 MY LORD, *Havana, 4th February, 1837.*

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 14th December, 1836, informing us that the negroes found in captured vessels are to remain under the care of the Mixed Commission until that Commission has pronounced sentence of liberation in their favour. But at the Havana, from the moment when such sentence shall have been pronounced, the negroes found in vessels captured by British cruisers are to be placed under the exclusive care of the British Superintendent.

In the Despatch of His Majesty's Commissioners of the 9th December, 1836, your Lordship's attention was particularly requested upon a question relating to the subject of this Despatch, namely, that as the registration by the Registrar of the Mixed Court can only be commenced *after* the sentence has been signed, and that as this duty most generally occupies 3 or 4 days, it is impossible that the negroes captured by British cruisers can be surrendered to the British Superintendent until this duty has been performed, unless the registration by the Officers of the Mixed Court of negroes captured by British cruisers be dispensed with entirely.

We have, &c.
 (Signed) EDWARD W. H. SCHENLEY.
The Right Hon. Viscount Palmerston, G.C.B.
 &c. &c. &c.

No. 65.

His Majesty's Commissioners to Viscount Palmerston.—(Received April 17.)
 MY LORD, *Havana, 4th February, 1837.*

WE are much gratified in acknowledging the receipt of your Lordship's Despatch of the 15th December, 1836, expressing your Lordship's approval of the course which we took in denouncing to the Captain-General the reported resumption of the Contracts by the Havana slave-dealers to supply the Province of Texas with slaves.

We shall pay particular attention to your Lordship's directions, that "upon all occasions on which we have good reason to think that the laws of Spain and the Treaties with England against Slave Trade are allowed by the Government to remain unexecuted, it is our duty to call the attention of the Captain-General thereto," as likewise to your Lordship's observation that we "cannot be expected to do more in our communications to his Excellency than to state general facts, and bring under the notice of the Governor circumstances of public notoriety."

We have, &c.
 (Signed) EDWARD W. H. SCHENLEY.
 R. R. MADDEN.
The Right Hon. Viscount Palmerston, G.C.B.
 &c. &c. &c.

No. 66.

His Majesty's Commissioners to Viscount Palmerston.—(Received April 17.)

MY LORD,

Havana, 4th February, 1837.

IN obedience to your Lordship's Despatch, of the 15th December, 1836, we have the honour to transmit Copies of the Certificates of Emancipation which have been given to the negroes liberated by the sentence of this Mixed Court since its first establishment.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

R. R. MADDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 66.

(Translation)

*The Captain-General to his Majesty's Commissioners.**12th June, 1837.*

THE Certificate given under the Treaty of 1834 are precisely the same as those given under the Treaty of 1817, with the exception of the last sentence, which is altered by the omission of the words "de este Ciudad e' Isla," which stood at the end of the Certificates under the Treaty of 1817, thus :—

(El negro) "quedando sujeto al destino que en conformidad de dicho tratado habrá de darle el superior Gobierno de este Ciudad e' Isla."

No. 67.

His Majesty's Commissioners to Viscount Palmerston.—(Received April 17.)

MY LORD,

Havana, 24th February, 1837.

ON the 24th current we were honoured by the receipt of a Letter from His Majesty's Minister at Madrid, enclosing a Copy of a Letter which was addressed to his Excellency by the Acting Consul at Cadiz, relating to the movements of slave-vessels at that port. We beg leave to transmit Copies of these Documents, whereby your Lordship will observe that the same system of transferring the Spanish slavers to Portuguese subjects, as has been for some time in practice at the Havana, is now followed by the notorious slave-dealers, Pedro Martinez and Pedro Felipe del Campo, at Cadiz.

We cannot suppose that these atrocious proceedings upon the part of Spanish and Portuguese subjects, when made known to their respective Governments, will be permitted to pass without their due reward; and we again venture to express our most earnest wishes that the maritime nations, parties to Treaties with His Majesty's Government for the Suppression of the Slave Trade, may forthwith subscribe to the Equipment Article, so as to leave no flag to shelter (in the manner that of Portugal now does) the operations of these inhuman wretches.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

R. R. MADDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 67.

Mr. Villiers to His Majesty's Commissioners.

GENTLEMEN,

Madrid, 23d December, 1836.

I HAVE the honour to enclose to you herewith, for your information, the Copy of a Letter which I have received from His Majesty's Acting Consul at Cadiz, stating that the Spanish brig "*Victoria*" sailed from Cadiz on the 8th instant for the Coast of Guinea, with the supposed intention of taking in a cargo of slaves, and that the schooner "*Scorpion*" will shortly be fitted out for a similar destination.

I have, &c.

(Signed)

GEORGE VILLIERS.

His Majesty's Commissioners at the Havana,

&c.

&c.

&c.

Sub-Enclosure in No. 67.

Mr. Brackenbury to Mr. Villiers. Cadiz 14th December, 1836.

(See Class B. 1836, No. 25, p. 13.)

No. 68.

His Majesty's Commissioners to Viscount Palmerston.—(Received April 17.)

MY LORD,

Havana, 28th February, 1837.

IN support of the information contained in our Despatch of the 24th instant, respecting the shameless and increasing abuse of the flag of Portugal by the slave-traders here, we beg leave to transmit a List of such of the arrivals and departures of slave-vessels at the Havana as have come to our knowledge during the month just expired, a large proportion being under the flag of that nation.

Arrivals.

February 3,	Portuguese brig	"Luisa,"	— Diaz, Master.
" 9,	"	"Tejo,"	— Maqueda, Master.
" 9,	" schooner	"Tratado,"	— Cardozo, Master.
" 17,	"	"Ligera,"	Juan Gualberto, Master.
" 21,	"	"Dulcinea,"	— Garay, Master.
" 22,	Spanish	"Aguila Vengadora,"	— Zavala, Master.

Departures.

February 1,	Portuguese schooner	"Dido,"	_____.
" 3,	"	"Tres Manueles,"	_____.
		(a) "Sin Igual,"	_____.
" 4,	"	"Maria Segunda,"	_____.
" 5,	Spanish brig	"Isabel,"	_____.
" 8,	Portuguese schooner	"Triumvirate,"	_____.
" 14,	Spanish	"Constitucion,"	_____.
" 20,	"	"Lince,"	_____.
" 23,	American	"Bee,"	sailed for Cape de Verdes, under suspicious circumstances.

Having ascertained with sufficient exactness that the "*Aguila Vengadora*" was under Spanish colours, we addressed a Letter denouncing her as a pirate to the Captain-General, but we have not yet received his Excellency's reply, although we have little doubt it will be in the usual form.

It will indeed be to us a matter of great congratulation when we shall learn that the Portuguese Government, by its accession to the wishes of His Majesty, shall no longer permit its flag to be the means of protecting a traffic it has so long since declared its abhorrence of; for the present, however, it is our duty to add that nearly the whole of the Slave Trade of this Island is carried on under the flag of Portugal.

We have, &c.

(Signed) EDWARD W. H. SCHENLEY.
R. R. MADDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 69.

Viscount Palmerston to His Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 15th May, 1837.

I HAVE received your Despatch of the 14th of February, containing Copies of the Certificates given by the Mixed Court, of which you are members, to negroes emancipated under the Treaties of 1817 and 1835 respectively.

I approve of your having adopted the form used under the Treaty of 1817, for the Certificates issued under the Treaty of 1835, with the exception of the last words, which it appears to me do not distinguish with sufficient clearness which of the two Governments it is to whose custody and care the negro is to be consigned.

According to the Treaty of 1835, the negro is to be placed at the disposal of the Government whose cruiser captured the vessel in which he was taken, and this is what ought to be expressed in the Certificate.

You will therefore propose to your Spanish colleagues that the words "el Superior Gobierno," at the end of the Certificate, be replaced by the words "el Gobierno di Su Magestad, *Britanica*," or "*Catolica*," as the case may require.

I am, &c.

His Majesty's Commissioners,
&c. &c. &c.

(Signed) PALMERSTON.

No. 70.

His Majesty's Commissioners to Viscount Palmerston.—(Received May 4.)

MY LORD,

Havana, 5th March, 1837.

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 21st December, 1836, transmitted for our information and guidance, and enclosing a Copy of a Note which Mr. Villiers has received from the Spanish Minister, acquainting him that Instructions will be given to the Spanish Commissioners at the Havana, to consider the Captor of a slave-vessel duly authorized, provided the name of his ship be found in the List of English cruisers which the Admiral on the Jamaica Station shall send, from time to time, to the British Commissioners at the Havana.

The above measure must, we consider, obviate all further difficulty as respects the presence of the Captor, or the production of his Slave Papers before the Mixed Court.

In respectfully expressing our thanks to your Lordship for obtaining for us this additional facility to carry on our official duties, we likewise have the satisfaction to state, that a few days since we received from Vice-Admiral Sir Peter Halkett a List of His Majesty's cruisers under his command, which is in every way conformable with the second stipulation of Article 5 to the New Treaty.

We have, &c.

(Signed) EDWARD W. H. SCHENLEY.
R. R. MADDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 71.

His Majesty's Commissioners to Viscount Palmerston.—(Received May 4.)

MY LORD,

Havana, 10th March, 1837.

WE beg leave to forward a Copy of a Notice, &c., relative to the introduction of slaves into the Province of Texas, which the American Consul this day placarded upon the door of his Consulate.

We wish that it was in our power to express our belief that the propagation of the above Document will be likely to effect the purpose for which it would seem to have been framed, and we shall feel most happy to be hereafter convinced that our fears of the contrary are groundless. The publication of this Notice, however, tends to prove two material points, namely, that American citizens have been, or are likely to be engaged in the attempt to introduce slaves into Texas; and, secondly, that the American Consul formally recognises the acts of the self-constituted Government of Texas, doubtless in compliance with orders from his Government to that effect.

We have, &c.

(Signed) EDWARD W. H. SCHENLEY.
R. R. MADDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 71.

GENTLEMEN,

Mexico, 4th March, 1837.

I THINK it proper to notify to you, for your information and guidance, that the Mexican Minister of War has informed me that the Captain of a Mexican vessel which left the Havana on or about the 7th ultimo, and arrived at Vera Cruz on the 14th, has stated on oath that, at the beginning of the same month, an American schooner left that port, destined for Texas, having on board a cargo of 40 negro slaves.

I am not able to give the name of the vessel, but think it right to communicate to you all that has reached me upon the subject, in order that you may take the steps you may deem expedient to prevent the recurrence of such abuses.

I write to His Majesty's Envoy at Washington to the same effect, in order that he may take the measures he may deem proper to induce the United States' Government to check the perpetration of these irregularities under the protection of their flag.

I have the honour to be, &c.

His Majesty's Commissioners, Havana.

(Signed) R. PAKENHAM.

Second Enclosure in No. 71.

Notice posted by the American Consul.

ATTENTION is particularly invited to the following Act of the Legislature of Texas, passed for the purpose of giving more certain effect to the provision of the Constitution of that country, which makes it Piracy to introduce slaves from any part of the world, except the United States of America.

It will be seen that to introduce into Texas any AFRICAN whatever, or any slave, excepting only

P 2

such slaves as were previously held in slavery in the United States, in conformity with the laws of the United States, subjects the offender to DEATH.

This penalty would be incurred by any one who should introduce into Texas from this Island (as well as any other part of the world) any AFRICAN, under any pretext whatsoever, or any slave born in the Island, whether such introduction were effected by landing directly upon the Coast of Texas, or by landing within the jurisdiction of the United States, on the one side, or of Mexico upon the other.

Consulate of the United States, Havana, 10th March, 1837.

(Copy)

Extracted from the "Texas Telegraph."

An Act Supplementary to an Act for the Punishment of Crimes and Misdemeanours.

"Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That if any person or persons shall introduce any African negro or negroes, contrary to the true intent and meaning of the 9th section of the General Provisions of the Constitution, declaring the introduction of African negroes into this Republic to be Piracy, except such as are from the United States of America, and had been held as slaves therein, be considered guilty of Piracy, and upon conviction thereof, before any Court having cognizance of the same, shall suffer death without the benefit of clergy."

"Sec. 2. Be it further enacted, That if any person or persons shall introduce into the Republic of Texas any Africans, or any slave or slaves from the United States of America, except such slave or slaves as were previously introduced and held in slavery in that Republic, in conformity with the laws of that Government, shall be deemed guilty of Piracy, and upon conviction thereof, before any Court having cognizance of the same, shall suffer death."

(Signed)

IRA INGRAM, *Speaker of the House of Representatives.*

RICHARD ELLIS, *President of the Senate, pro. tem.*

Approved 21st December, 1836.

(Signed)

SAMUEL HOUSTON."

"This Act was passed in consequence of a suspicion that the general Act upon this subject would be avoided by the introduction of slaves into the United States by the mouth of the Sabine, when they might be forthwith sent into Texas."

No. 72.

His Majesty's Commissioners to Viscount Palmerston.—(Received May 4.)

MY LORD,

Havana, 29th March, 1837.

By the packet "Swift," which arrived here this day from Tampico, we received a Letter from His Majesty's Minister at Mexico, a Copy of which we beg leave to transmit to your Lordship.

The subject which it treats of (the shipment and introduction of slaves from this Island into the Province of Texas by American vessels) is one upon which we have already ineffectually used the strongest remonstrances both with the Authorities of the Havana and the American Consul.

We consider it to be nearly impossible to carry on these nefarious speculations without the cognizance of this Local Government, and we have, therefore, a right to infer its connivance at them, from our conviction that it possesses ample powers to suppress them. Nevertheless we have this day forwarded to the Captain-General a Copy of Mr. Pakenham's Letter, and we shall likewise give the American Consul the option of receiving or again rejecting an official communication from us to the same effect. But we altogether despair of any representation which we can make to this Government having the effect of closing this most lucrative and extensive field for the inhuman operations of the Havana slave-traders. Within these few weeks very many speculators from Texas have arrived here for the avowed and sole purpose of procuring slaves for that Province.

A report obtained circulation a few days since, of a Treaty having been concluded by His Majesty's Government with Portugal, similar to that of the 28th June, 1835, with Spain. The slave-traders thereupon declared that the moment such a Treaty shall be promulgated, they will adopt the flag of the United States for all their vessels; indeed, as long as they find so secure a haven for carrying on the Slave Trade, in all its branches, as at present exists at the Havana, the selection of a flag will not be a matter of much difficulty with them.

We shall have the honour to communicate to your Lordship, by the next packet, the result of our official representation to the Captain-General, relative to this matter; but we cannot conceal our astonishment and chagrin, that the Spanish Government should make so ill a requital for the support it receives from Great Britain, as to permit the violation of her reiterated and most solemn Treaties, upon a subject too at which humanity revolts.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

R. R. MADDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 72.

Mr. Pakenham to His Majesty's Commissioners, 4th March, 1837.

(See Class B.)

No. 73.

His Majesty's Commissioners to Viscount Palmerston.—(Received June 14.)

MY LORD,

Havana, 31st March, 1837.

WE have the honour to transmit a List of the departures of slave-vessels from this port for the Coast of Africa during the past month, viz.,—

1st March,	Spanish	brig	"General Ricafort."
7th	"	American	"Two Friends."
"	"	Portuguese schooner	"Tratado."
"	"	"	"Olimpia."
20th	"	Spanish	brig "Tajo."
22d	"	Spanish	schooner "Francisca."

The American vessel is supposed to have carried the slave equipment for the 2 Portuguese vessels cleared the same day.

We regret to add, that although several vessels have succeeded in landing their cargoes during the month of March, we have not been able to ascertain their names with sufficient accuracy to report them in this List. They have been, however, chiefly under the Portuguese flag.

We have, &c.

(Signed) EDWARD W. H. SCHENLEY.

R. R. MADDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 74.

His Majesty's Commissioners to Viscount Palmerston.—(Received June 14.)

MY LORD,

Havana, 7th April, 1837.

WE have had the honour to receive your Lordship's Despatch, dated 27th January, 1837, transmitting for our information the Translation of a Decree issued at Lisbon on the 10th December, 1836, for the abolition of the Slave Trade throughout the Portuguese dominions.

We have, &c.

(Signed) EDWARD W. H. SCHENLEY.

R. R. MADDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 75.

His Majesty's Commissioners to Viscount Palmerston.—(Received June 14.)

MY LORD,

Havana, 8th April, 1837.

WE beg leave to refer your Lordship to our Despatch of the 29th ultimo; and we now transmit Copies of the Correspondence which has passed between His Majesty's Commissioners and the Captain-General, relative to the communication made by His Majesty's Minister at Mexico, upon the subject of the introduction of slaves into the Province of Texas from this Island. The tenour of the Captain-General's Reply (Enclosure, No. 2.) will convey to your Lordship some idea of the evasion with which his Excellency permits his Assessor to treat the communication of the Commissioners. It was by no means unadvisedly that we stated to the Captain-General our belief that these transactions could not be carried on unknown to the subaltern Authorities of the Island. We can now assert our conviction of it; and while we shall carefully avoid entering into controversial correspondence with the Authorities here, we shall continue to communicate to them any information that may reach us upon this subject, which we deem to be worthy of attention.

We must, however, express to your Lordship our decided opinion, that unless more precise measures are taken by the Government at Madrid to enforce the faithful execution of the Treaty, without restriction or evasion, this port and Island will become a vast mart for the trans-shipment of slaves to a new and extensive territory. Notwithstanding the laws which have been framed, and the severe penalties which they enact, for the avowed purpose of the suppression of the traffic in slaves, we are well assured that means have been found to introduce slaves, in

considerable numbers, into Texas; nor can we doubt that, with the local facilities which American and other unprincipled speculators find for carrying on their nefarious projects, it will continue to be prosecuted with all the eagerness that the immense profits, accruing upon successful enterprises, beget in the minds of such sordid and reckless wretches.

Much anxiety is felt respecting the new Colonial Laws by which it is understood the Island of Cuba is in future to be governed. It is very confidently asserted that their conditions will give, if possible, greater facilities to the slave-traders. We regret to add that the American Consul continues to decline receiving any communication respecting American citizens reputed to be engaged in the Slave Trade.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

R. R. MADDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 75.

His Majesty's Commissioners to the Captain-General.

Havana, 29th March, 1837.

THE Undersigned, Commissioners of His Britannic Majesty for the Suppression of the Slave Trade, have the honour to forward to his Excellency the Captain-General a Copy of a Letter which they have just received from His Majesty's Minister at Mexico, upon the subject of the shipment and transmission of slaves from the Havana to the Province of Texas.

The Commissioners again beg most respectfully, but most earnestly, to call the attention of the Captain-General to this distressing and continued violation of the laws by some miscreants resident within the scope of his Excellency's jurisdiction.

From the admirable regulations which have been imposed upon all the public Departments of this Island by the Captain-General's superior talent and vigilance, the Commissioners entertain little doubt that, as a transaction of so extensive a nature, and so clearly specified as that described in Mr. Pakenham's Letter, can hardly have been carried on without the knowledge of some of the subaltern Authorities of Havana, the institution of an immediate investigation may enable his Excellency to bring to punishment the guilty parties.

The Commissioners will lose no time in communicating such further particulars as may reach them upon this subject; but they deem it their duty upon the present occasion to acquaint the Captain-General that the Havana has been resorted to, within the last few months, by numerous speculators from Texas, whose sole and avowed object is to enter into contracts to be furnished with a proportion of the slaves which continue to be clandestinely introduced into this Island.

The Undersigned avail themselves, &c.

(Signed)

E. W. H. SCHENLEY.

R. R. MADDEN.

His Excellency the Captain-General,

&c.

&c.

&c.

Second Enclosure in No. 75.

(Translation.)

The Captain-General to His Majesty's Commissioners.

GENTLEMEN,

Havana, 4th April, 1837.

AGREEING entirely with the advice of the First Assessor-General of this Government, respecting the subject of your Official Note of the 29th of last month, I transcribe his Report, which is word for word as follows:—"Most Excellent Sir,—The British Commissioner communicates to your Excellency what is reported to him from Mexico by the British Minister there, relative to 40 negro slaves having been extracted from this port for that of Texas by an American vessel, which information was given upon oath by the Captain of a Mexican vessel which was here at the time, but neither is designated the name of the vessel, nor the Captain, nor the Spanish persons who intervened in the business, nor whether the negroes were *bozales*. Under such circumstances it becomes indispensable to repeat to the Commissioner what your Excellency was pleased to state to him on the 29th October last, it being impossible to detect crimes of this nature by an inquisition barren of data and particulars which might open a road to the proceeding. Without knowing the vessel, nor the Captain who conducted them, the Spanish subjects who contracted the sale, nor those who made the purchase, it would be very ridiculous that the authority of your Excellency should be used to investigate facts, which, if they were certain, everybody is interested in concealing; and it must appear very strange to your Excellency that the Commissioner should state 'that this transaction can hardly have been carried on without the knowledge of some of the subaltern Authorities of the Island,' which accusation, it would seem, he has no authority to make. If the contract was performed with such secrecy, that all his zeal was insufficient to discover more than the vague attestation of the Mexican Captain, the same reason whereby he accuses the Spanish Authorities of toleration, will they have of accusing him of the same fault, since he was in the Havana, and had the same means, and even more facilities than they, of investigating the offence, and communicating it to your Excellency in season. In these terms the Assessor opines that your Excellency should reply to the Commissioners, adding your desire that he assist you by furnishing more positive data, so as not to adventure proceedings highly prejudicial. Your Excellency hoping that with such data only similar communications will henceforth be made, and that Her Majesty (whom God preserve) will be acquainted, for her sovereign information, with this affair, or whatever else your Excellency may esteem more proper."

Which I make known to you, Gentlemen, in reply to your abovementioned Official Note.

God preserve you many years.

(Signed)

MIGUEL TACON.

The British Commissioners in the Mixed Court of Justice,

&c.

&c.

&c.

No. 76.

His Majesty's Commissioner to Viscount Palmerston.—(Received June 14.)

MY LORD,

Havana, 28th April, 1837.

IMMEDIATELY after the receipt of your Lordship's Despatch of the 14th February, 1837, and agreeably with the Instructions therein contained, His Majesty's Commissioners addressed a Letter to the Spanish Commissioners of the Mixed Court of Justice, a Copy of which, together with a Translation of the reply made to it, I beg leave to transmit, for your Lordship's information.

By this latter document your Lordship will observe that we have nothing to expect from our Spanish colleagues personally, upon the score of humanity towards the negroes captured by British cruisers, it being their determination not to accede to or admit of any arrangement, unless formally agreed to and notified by their Government.

With respect, however, to the representation made to your Lordship through the Colonial Office, that in the Case of the "*Empresa*," the sentence was not signed until two days after the Mixed Court had decided upon it, I feel it but an act of justice to the Count Fernandina to state briefly the facts as they occurred in that Case, and again to take the liberty of referring your Lordship to the Despatch of the 25th of November, 1836. The evidence for the prosecution of the "*Empresa*" terminated at a late hour (5 o'clock) on Saturday, the 5th November. The Judges agreed upon the terms of the sentence before breaking up of the Court, and the Secretary was directed to frame this document accordingly. The same evening a representation was made by Lieutenant Tindal, the Officer in charge of the "*Empresa*," that the negroes were suffering extremely from the inclemency of the weather, and requesting that some covering might be supplied to them, &c. (See Enclosure, No. 5, in the Despatch above referred to.) I took the most prompt and immediate steps in my power to have the sentence (a summary of the proceedings of the Case) completed, during Sunday, with the least possible delay; and by 8 o'clock on Monday morning this document received the signatures of both the Judges. I, therefore, hope your Lordship will perceive that it was not possible to have executed these duties with greater despatch, and that the melancholy sickness and loss of life which took place on board the "*Empresa*" could not in any manner be attributable to the Judges.

I have, &c.

(Signed) EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 76.

His Majesty's Commissioners to the Spanish Commissioners.

MOST EXCELLENT SIR AND GENTLEMEN,

Havana, 11th April, 1837.

WE have received Instructions from our Government to submit to the Mixed Court the following proposition, viz., That in order to shorten, as much as is consistent with the due execution of the Treaty, the inconvenience which the negroes must suffer while they continue confined on board the small slave-vessels in which they are captured, the sentence may be signed as soon as the Court has come to a decision, and that when the sentence is signed, the emancipated negroes shall be placed at the disposal of the Superintendent, as soon as that Officer shall notify that he is prepared to receive them. Such an arrangement would conduce to the relief and comfort of the negroes, and at the same time greatly facilitate the proceedings of the Officers of the Court in making out the descriptive lists of the negroes, as this duty would then be performed in a clean and roomy vessel, instead of a crowded and unwholesome slave-ship.

We have, &c.

(Signed)

E. W. H. SCHENLEY.
R. R. MADDEN.*His Excellency the Conde de Fernandina and the other Spanish
Members of the Mixed Court, &c. &c. &c.*

Second Enclosure in No. 76.

(Translation.)

The Spanish Judge to His Majesty's Commissioners.

GENTLEMEN,

Havana, 20th April, 1837.

THE Spanish members of the Mixed Court of Justice have considered the contents of your Official Note of the 11th instant, in which you are pleased, according to the Instructions of your Government, to submit to us a proposal that the emancipated negroes be placed at the disposal of the British Superintendent, as soon as he shall notify that he is ready to receive them, which is the same as to say that they shall not be so placed until this notification be first made—a condition which not only is not contained in the 6th and 2d Articles of the Annexes B and C to the Treaty between their Catholic and Britannic Majesties of the 28th June 1835, but which appears opposed to its tenour. It

is not lawful for us to enlighten, explain, or still less to alter the articles or their clauses, it belonging exclusively to the High Contracting Parties, and it alone remains for us to see to their punctual and exact fulfilment, which we will not fail to do. With which we reply to your abovementioned Official Note.

God preserve you many years.

(Signed)

EL CONDE DE FERNANDINA.

The British Commissioners in the Mixed Court of Justice,
&c. &c. &c.

No. 77.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 27th June, 1837.

WITH reference to my Despatch to you of the 13th of April last, upon the subject of the establishment at the Havana of a hulk for the reception of negroes emancipated by the Mixed Court of Justice of which you are members, I have to acquaint you that Her Majesty's ship "Romney" has been selected by the Board of Admiralty for this service, and that she will shortly sail for her destination under the command of Lieutenant Jenkins.

Although the particular service on which the "Romney" is to be employed is under the superintendence of Dr. Madden, you will not fail to lend all the aid in your power to Lieutenant Jenkins in the execution of his duties; and in settling with the Captain-General the spot at which the hulk is to be stationed, and the place at which the depôt for the sick is to be established, you will avail yourself of the counsel of both Dr. Madden and Lieutenant Jenkins.

I am, &c.

Her Majesty's Commissioners,
&c. &c. &c.

(Signed) PALMERSTON.

No. 78.

Viscount Palmerston to Her Majesty's Commissioners.

Foreign Office, 15th July, 1837.

(See Circular of 15th July.—*Sierra Leone General*, No. 4.)

No. 79.

His Majesty's Commissioners to Viscount Palmerston.—(Received July 22.)

MY LORD,

Havana, 30th April, 1837.

WE have the honour to transmit a List of arrivals and departures of slave-vessels for the past month.

Your Lordship will not fail to observe therein, as well as for some months back, that, with very few exceptions, the slave-dealers no longer use the flag of Spain for their nefarious speculations.

We have reason to believe that nearly the whole of the slave-vessels now insured are either under the Portuguese or American flag. Several vessels under the Portuguese flag were completing their arrangements to proceed to the Coast of Africa, taking especial care not to render themselves liable to the penalties of the Equipment Article, from the persuasion that a Treaty similar to that with Spain was upon the eve of being concluded between the two Governments, when, upon the arrival of His Majesty's packet "Pigeon" (4th April), bringing the publication of the Lisbon Decree of the 10th December, 1836, these vessels, and all that have sailed from hence since that period, immediately set to work, and have gone out completely fitted and equipped for the Slave Trade, not only as regards their own voyage, but they have likewise taken on board extra quantities of the articles prohibited by the Treaty with Spain, in order to furnish them to any vessels that may stand in need of them upon the Coast.

The notorious and most successful of slavers, the "Socorro," now sailing under the flag of Portugal, is again nearly ready for sea—her slave-deck is laid—her armament (6 long 24-pounders) is on board, and she is only detained in consequence of the severe commercial depression which exists at the Havana preventing her Owners from shipping a large sum in specie, which she is to carry out for the establishment of factories upon the Coast of Africa.

His Majesty's cruisers constantly fall in with these vessels off the ports of this Island; but as they do not possess the power to detain them, nothing more is done than to ascertain that they have landed their slaves.

His Majesty's sloop "Racer," Commander James Hope, a vessel that might possibly outsail the "Socorro," came into the Havana a few days since, and although Mr. Schenley was credibly informed that, besides other slave-equipment, the "Socorro" had taken on board 1,000 pairs of shackles, and was only waiting for her money to put to sea, yet, notwithstanding the zeal evinced by Commander Hope, and his offer to remain off the port, or station the "Racer" in any position likely to intercept this formidable slaver, Mr. Schenley was most reluctantly obliged to decline a proposition otherwise so desirable, from a knowledge that the "Socorro's" Papers are in regular order as a Portuguese vessel, and that, consequently, any effort to condemn her as Spanish property would prove abortive.

We have, &c.

(Signed) EDWARD W. H. SCHENLEY.
R. R. MADDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c. &c. &c.

Enclosure in No. 79.

List of Slave-Vessels that have arrived in the Port of Havana during the Month of April, 1837.

April 6th,	Portuguese schooner	"Felicidad,"	— Pereira, Master, from San Tomé.
" 15th,	" "	"Eliza,"	— St. Ana, Master, from Cabo Verde.
" 17th,	" brig	"Camoy's,"	— Silva, Master, from San Tomé.
" 17th,	" "	"Liberal,"	— Freytat, Master, from Isla Principe.
" 23d,	" schooner	"Primorosa,"	— Barroso, Master, from Puerto Rico.
" 23d,	" brig	"Boca Negra,"	— Cardoso, Master, from Cuba.
" 23d,	*American schooner	"Forest,"	— Tripp, Master, from St. Joseph's.
" 24th,	Portuguese "	"Dos Hermanas,"	— Carvalho, Master, from Bonny.
" 26th,	" "	"Victoria de Cabo Verde,"	— Saldanha, Master, from San Tomé.

* Suspicious.

List of Slave-Vessels which have sailed for Havana during the Month of April, 1837.

April 1st,	Spanish schooner	"Ligera."
" 4th,	Portuguese "	"Belencita."
" 14th,	" ship	"Palmira."
" 20th,	" schooner	"Dulcinea."
" 25th,	" "	"Margarita."

No. 80.

His Majesty's Commissioners to Viscount Palmerston.—(Received July 22.)

MY LORD,

Havana, 31st May, 1837.

THE subjoined List of arrivals and departures of slave-vessels at this port during the past month will tend to confirm the information which we had the honour to transmit to your Lordship, in our last report, viz., that the Slave Trade from hence is now almost entirely carried on under the Portuguese flag.

Arrivals.

May 14, Portuguese schooner "Sirca," — Viera, Master.
" 15, Spanish brig "Paquete de Cabo Verde," — Bertimati, Master.

Departures.

May 9,	Portuguese schooner	"Eliza"	. . . .	Cleared for Cape de Verdes.
" 13,	" "	"Primorosa"	. . . .	" Isla del Principe.
" 20,	Spanish "	"San José"	. . . .	" Cadiz.
" 20,	Portuguese polacra	"Palmira"	. . . .	" Ditto.
" 23,	" schooner	"Felicidad"	. . . .	" Isla del Principe.
" 24,	" "	"Vibora de Cabo Verde"	. . . .	" San Tomé.
" 25,	" ship	"Maria (a) Segunda Socorro"	. . . .	" Mozambique.
" 27,	Spanish brig	"Anita"	. . . .	" Bonny.
" 27,	" schooner	"Jacinto"	. . . .	" Ditto.

We regret to have to add that the notorious slave-ship "Socorro," now the "Donna Maria Segunda," has again put to sea upon a slaving voyage (after undergoing a thorough repair in this harbour) armed and equipped as before.

Mr. Schenley was credibly informed that a large sum in specie, and 1,000 pairs of shackles, formed a part of her slave-trading cargo.

Captain William Jones, with His Majesty's ship "Vestal," was in the harbour when this slave-vessel sailed, and, had the Portuguese Treaty or Decree permitted it, would gladly have pursued her.

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The schooner "*Vibora*," alias "*Viper*" (together with the "*Liberal*"), sailed from hence, in October last, under American colours (both as already reported by Mr. Schenley), belonging to a French slave-dealer named Forcade.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

R. R. MADDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 81.

His Majesty's Commissioners to Viscount Palmerston.—(Received July 22.)

MY LORD,

Havana, 2d June, 1837.

WE beg leave to acquaint your Lordship that Mr. Jackson has just obtained information, upon credible authority, that a few weeks since, in the vicinity of this Island, one of His Majesty's cruisers, supposed to be His Majesty's sloop "*Racer*," Commander James Hope, chased a suspected vessel, under American colours, which escaped by crossing some of the shoals of the Bahama banks. The cruiser, however, shortly after fell in with an American man-of-war schooner, the Commanding Officer of which, on the above circumstance being communicated, sailed in pursuit of the suspected vessel. It is further reported that the American man-of-war succeeded in detaining and carrying to Pensacola the American merchant-schooner "*Emperor*," Coxo Master, for having committed a breach of the Slave Laws, in landing from the said schooner, upon the Coast of Florida, near the Bay of St. Joseph's, a cargo of bozal negroes, which, in concert with a Frenchman named Malesherbes, he had shipped a few days previously at the Havana for that purpose.

We conclude that it is impossible for the Spanish Authorities to deny any longer the existence of this scandalous commerce, and we respectfully take the liberty to suggest that representations of this flagrant case, through His Majesty's Ministers at Madrid and Washington, might tend to put a stop to so abominable and growing an evil, more especially as we are still of opinion that these transactions cannot (or at all events ought not to) exist unknown to the Local Authorities upon both shores.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

R. R. MADDEN.

P.S. We understand that the individual who furnished the above-mentioned negroes is one Joaquin Gomez, long known as a notorious slave-dealer, who has amassed considerable wealth in these abominable speculations.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 82.

His Majesty's Commissioners to Viscount Palmerston.—(Received July 22.)

MY LORD,

Havana, 18th June, 1837.

THE astonishing extent to which the Portuguese flag is now used by the slave-traders of the Havana, and the facilities given to the vessels carrying it, in equipping and sailing from this harbour to the Coast of Africa, induced us to address a Letter to the Captain-General upon the subject. We carefully avoided any direct interference with his Excellency's mode of carrying on his Government; but we certainly hoped that his reply would amount to more than a mere acknowledgment of the receipt of our communication, a Copy of which, together with the Captain General's reply, we herewith transmit.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

R. R. MADDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 82.

His Majesty's Commissioners to the Captain-General.

Havana, 12th June, 1837.

THE Undersigned, Commissioners of His Britannic Majesty, regret exceedingly that it will be their

painful duty to acquaint their Government with the numerous slave-vessels that are refitted, sail from, and arrive in this harbour, under the Portuguese flag. During the month of May no fewer than 6 of these vessels came to the knowledge of the Commissioners, and during the present month it has been represented to them that 4 vessels have already succeeded in landing cargoes of slaves in the vicinity of Havana.

The Undersigned are aware that no Treaty upon this subject exists between Spain and Portugal, but they feel confident that under the solemn declarations of the Treaty of the 28th June, 1835, if the Captain-General can discover any subject of his nation assisting or countenancing these nefarious speculations, more especially as relates to the equipping of slave-vessels, under whatever flag or denomination, within the possessions of Her Catholic Majesty, his Excellency will apply to them the utmost rigour of the laws they transgress.

The undersigned avail themselves, &c.

(Signed)

E. W. H. SCHENLEY.

R. R. MADDEN.

His Excellency the Captain General,
&c. &c. &c.

Second Enclosure in No. 82.

(Translation.)

The Captain-General to His Majesty's Commissioners.

Havana, 15th June, 1837.

GENTLEMEN,

By your Official Letter of the 12th instant, I am made acquainted with the information which you purpose to give to your Government, according to the Regulations of the existing Treaties, that various vessels under the Portuguese colours are engaged in the prohibited traffic of negroes with Africa, congratulating me that you are in the firm persuasion, as you manifest to me, that should it come to your knowledge that any of my subjects be found assisting or countenancing the disembarkation of negroes, such as you state to have been effected in this Island during the month of May last, I should proceed against them with the utmost rigour of the Laws, since the measures adopted to impede the said contraband traffic, which is facilitated by the large extent of unpeopled coast, are found insufficient.

[God preserve you many years.

(Signed)

MIGUEL TACON.

To the Commissioners of His Britannic Majesty,
&c. &c. &c.

No. 83.

His Majesty's Commissioners to Viscount Palmerston.—(Received July 22.)

MY LORD,

Havana, 22d June, 1837.

IMMEDIATELY after the receipt of your Lordship's Despatch of the 13th April last, we addressed a Letter to the Captain-General, requesting his Excellency to point out suitable positions for the establishment of a lazaret on shore, and for mooring a hulk in the harbour, for the convenience of the negroes captured by British cruisers and emancipated by this Mixed Court. We transmit a Copy of our Letter, and a Translation of the Captain-General's reply. By the latter Document your Lordship will observe that both demands have been unhesitatingly acceded to upon the part of his Excellency, and the situations indicated are those usually appropriated to sick and quarantine cases.

Mr. Schenley has furnished the Superintendent of liberated negroes with a Copy of the Letter addressed to the British Commissioners by the Captain-General.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

R. R. MADDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 83.

His Majesty's Commissioners to the Captain-General.

Havana, 5th June, 1837.

THE Undersigned, Commissioners of His Britannic Majesty, have the honour to acquaint his Excellency the Captain-General that they have received from their Government the Copy of a communication which was made to His Majesty's Minister at the Court of Spain, signed by the Count of Almodovar, and bearing date Madrid, the 14th March, 1837. This Document purports to be the reply to an application from the British Minister upon the part of his Government, respecting the stationing of a hulk in the harbour of the Havana for the reception of negroes liberated by the Mixed Court of Justice, and the establishment of a lazaret for the small number of negroes whose health may require greater accommodation than it may be possible to afford them on board the hulk.

The Count Almodovar states that the necessary Instructions have been sent out to the Captain-General to give every aid in his power towards carrying both these arrangements into effect, and that, in concert with the British Commissioner, his Excellency will point out the place in which the said hulk can be stationed, and likewise the place or building for the establishment of the lazaret for the sick negroes, in order that they may be properly taken care of.

The undersigned are anxious to acquaint their Government by an early opportunity with the final settlement of this question, and will feel extremely obliged to the Captain-General if he will inform them whether the above Instructions have reached His Excellency, and in such event, that he will have the goodness to adopt measures for making them acquainted with the localities, (both as regards the stationing of the hulk, and the place or building for the establishment of the Dépôt or Lazaret for the sick negroes,) which may appear to His Excellency best calculated for the fulfilment of the terms of Count Almodovar's Dispatch, and at the same time eligible for the measures therein contemplated.

The undersigned have the honour, &c.

(Signed)

E. W. H. SCHENLEY,
R. R. MADDEN.

His Excellency the Captain-General,

&c. &c. &c.

Second Enclosure in No. 83.

(Translation.)

Havana, 20th June, 1837.

GENTLEMEN,

By Royal Order of the 12th March last, communicated by the Principal Secretary of State, I have received the Instructions to which you refer in your Official Note of the 5th instant, which are reduced to the following: that in entire conformity with the spirit and letter of the Treaty of the 28th June, 1835, a hulk or floating depôt be established for the negroes arriving from Africa, who may be captured by vessels of His Britannic Majesty during the time that may elapse, until the Mixed Court of Justice created for the purpose pronounce its sentence, and they sail for their final destination; that the spot be fixed where the said hulk is to be stationed, bearing in mind that such measure has no other object than greater public convenience, added to the safety of the country, whose interest it is to prevent the introduction of freed negroes under any shadow of pretext; that the spot or building be provided where the depôt or lazaret may be established, in which the negroes falling sick in the said interval may be attended in a proper manner, with due regard to the regulations of the Board of Health, and the examination which, under the said regulations, is to be made by the Physician to be nominated by me.

In order to proceed with the care I desire, I have called for a Report of the Commandant-General of Marine on this station with regard to the first point, and it appears therefrom that the hulk to be used as a provisional floating depôt for the negroes, may be stationed within this port at the anchorage of Marimelena, and with regard to the second point respecting the lazaret, the Board of Health, of whom I required a Report thereon, point out the rooms of the lower story of the building contiguous to the wharf called *de Porras*, belonging to Dr. Don Carlos Belot, which, on account of their cleanliness, ventilation, and capacity, are very proper for the purpose, unless the nature of the diseases by which the negroes may be attacked should require other measures of more rigid incommunication to be adopted; and agreeing with these Reports, I acquaint you therewith for your information, and in order that you may enter into negotiation with the proprietor of the place, of the result of which you will be pleased to give me timely notice, on account of the ultimate arrangements which concern me, relative to the sanitary and public security of the country.

God preserve you many years.

(Signed)

MIGUEL TACON.

The Commissioners of His Britannic Majesty,

&c.

&c.

&c.

No. 84.

His Majesty's Commissioners to Viscount Palmerston.—(Received July 22.)

MY LORD,

Havana, 22d June, 1837.

ON the 19th of May His Majesty's frigate "Vestal," Captain William Jones, came into this port, and, on the 25th, this Officer addressed a communication to His Majesty's Commissioners, acquainting them with the particulars of a circumstance which leads them to believe that a serious and glaring violation of the Treaty of the 28th of June, 1835, has been committed by Lieutenant Cruz, the Commander of one of the Spanish men-of-war cruisers belonging to this Island, in neglecting to bring before the Mixed Court a vessel which he had detained for being equipped for the Slave Trade. We beg leave to enclose a Copy of the above communication.

Unfortunately, during the period that the "Vestal" remained here, both the Spanish Commissioners were absent some distance in the country; and as Captain Jones declared that he would not detain his vessel or leave any of his Officers at the Havana, Mr. Schenley considered it advisable to take the Affidavits of such of them as had visited the slave-vessel, and could prove the fact of having seen her slave-equipment. We enclose Copies of these Affidavits, as well as of the Correspondence which has taken place up to this date between His Majesty's Commissioners and the Captain-General, relative to this subject.

It was not until the 10th instant, that the Count Fernandina, the Spanish Judge, returned to the Havana, when Mr. Schenley immediately summoned a Court, and a Letter was addressed by the Judges to the Captain-General requesting that his Excellency would take immediate steps for obliging Lieutenant Cruz to present himself, along with his prize, before the Mixed Court.

The Captain-General replied to this communication by transmitting a copy of

certain depositions and examinations which have been taken before the Admiralty Court at St. Jago de Cuba, whither Lieutenant Cruz conducted the detained vessel. The Judges, having duly weighed and considered this step, resolved, that they could not recognize these proceedings, or the right of any other Court or Authority to interfere in a Case belonging exclusively to the Mixed Tribunal, which resolution they communicated to the Captain-General, calling upon his Excellency again to interpose his authority in compliance with the terms of their first Letter.

No answer has as yet been sent to this second application from the Judges, but though we doubt not every effort will be made to prevent the Case being tried before the Mixed Court, yet, as a perfect unanimity exists between the Judges, there is little doubt that their demand will be eventually complied with, and the privileges belonging to their Tribunal accorded.

We trust that by the next packet we shall have it in our power to acquaint your Lordship more fully upon this Case, and to furnish Translations of the whole of the Documents appertaining thereto.

We reserve to ourselves the right of expressing our opinion upon the course pursued by Captain Jones, relative to the examination of this suspected vessel, until the Case shall be concluded before the Mixed Court.

We have, &c.

(Signed) EDWARD W. H. SCHENLEY.
R. R. MADDEN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 84.

(Copy.)

Captain Jones to His Majesty's Commissioners.

His Britannic Majesty's Ship "Vestal" at Havana, 25th May, 1837.

SIR,

I HAVE the honour to represent to you, for the information of the Judges of the Court of Mixed Commission, the particulars of a recent occurrence which I consider it to be my duty to bring under their consideration.

On the 4th instant, this ship, being on her passage from Port-au-Prince to Santiago de Cuba, descried in the evening, a little before sunset, a schooner of very suspicious appearance, lying at anchor in the entrance of the Harbour of Guantanamo or Cumberland Harbour. I immediately hauled in shore to examine her, having reason to expect vessels of a piratical character in that neighbourhood, and the place itself having been notorious for former disorders, and having now neither fort nor commerce of a regular kind.

As we approached the Harbour with our colours displayed, the schooner showed evident symptoms of alarm. Boats were seen to pass and repass; some sails were bent in haste, and at last the vessel weighed, and attempted to run up the Harbour, which abounds in intricate shelter.

Seeing these suspicious movements, I directed a shot to be fired wide of the vessel, as a signal for her to await examination. And as she continued, nevertheless, her endeavours to escape, I fired several other guns, of which the shot fell near without hurting her. In the meantime, two of our boats, commanded by the second Lieutenant, were sent to the schooner, but when they had approached about a third of the distance, a small schooner, which then first attracted our attention, appeared open of the east end of the entrance, and fired a shot directly at our boats, which, however, proceeded in obedience to their orders, and got on board the first schooner before she could effect her escape.

The people on board declared that the vessel was a prize to the "Teresita," pilot-boat, in the service of Her Catholic Majesty, which was presently confirmed by Lieutenant Cruz, the Commander of that vessel, who came himself, and stated "that he had that day, at 11 A.M., seized the schooner, which was called the 'Matilda,' under the provisions of the late Treaty with Great Britain, for being fitted for the Slave Trade." The whole appearance of the vessel, as far as the English Lieutenant could judge, being in perfect accordance with this account, he immediately retired, being informed by Lieutenant Cruz "that he should send the 'Matilda' to Santiago de Cuba on the following day." As soon as I received this report, the "Vestal" proceeded on her voyage.

These, Sir, are briefly the facts of the case. Not having the slightest doubt of the good faith of the Spanish Officer in the transaction, it never occurred to me to seek further assurance, when Lieutenant Cruz declared the "Matilda" to be his prize. But a considerable time having now elapsed without that vessel having appeared for adjudication before the only competent Tribunal, which, in such a case, I presume to be the Court of Mixed Commission, I am at a loss for a sufficient explanation of the circumstance. I therefore have to request that the Court of Mixed Commission will be pleased to take the matter into consideration, and cause such enquiries to be instituted as they may deem expedient and proper, with a view to a legal decision of the case of the "Matilda," a vessel which appeared to me to be by far the most completely equipped for the Slave Trade, of all that have come under my observation.

I have the honour to be, &c.

(Signed) WILLIAM JONES,
Captain.

E. W. H. Schenley, Esq.
&c. &c. &c.
Court of Mixed Commission.

Second Enclosure in No. 84.

*His Majesty's Commissioner to Captain Jones.**Havana, 27th May, 1837.*

SIR,

I HAVE the honour to acknowledge the receipt of the communication which you have transmitted to me for the information of the Mixed Court of Justice, bearing date the 25th current, relative to the detention on the 4th current of the Spanish Merchant schooner "*Matilda*," by the Spanish pilot-boat in the service of Her Catholic Majesty, "*Teresita*," commanded by Lieutenant Cruz, of the Spanish Royal Navy, and stating that this Officer declared personally to the English Lieutenant who visited the "*Matilda*" by your directions, under the provisions of the Treaty of the 28th June, 1835, "that he had that day, at 11 A. M. seized the schooner which was called the '*Matilda*,' under the provisions of the late Treaty with Great Britain, for being fitted for the Slave Trade;" further, that "the whole appearance of the vessel, as far as the English Lieutenant could judge, being in perfect accordance with this account, he immediately retired, being informed by Lieutenant Cruz that he should send the '*Matilda*' to St. Jago de Cuba the following day."

I beg leave to acquaint you in reply, that no notification whatever of the above transaction has reached the Mixed Court of Justice, but His Majesty's Commissioners will lose no time in taking the necessary steps to ensure a thorough investigation of the case. In the meantime I have to request that you will place me in communication with the Lieutenant of the "*Vestal*," and any others of the Officers or seamen who may have accompanied him upon his visit to the "*Matilda*," and who can verify upon oath their having seen on board that vessel circumstances confirmatory of her being fitted for the Slave Trade.

Captain William Jones,
His Majesty's Ship "Vestal."

I have, &c.,
(Signed) E. W. H. SCHENLEY.

Third Enclosure in No. 84.

(Copy.)

*His Majesty's Commissioners to the Captain-General.**Havana, 29th May, 1837.*

THE undersigned Commissioners of His Britannic Majesty, under the Treaty for the Suppression of Illicit-Slave Traffic, have the honour to transmit to His Excellency the Captain-General the Copy of a Letter which was addressed to His Majesty's Acting Judge by Captain William Jones, commanding His Majesty's Ship "*Vestal*," for the information of the Mixed Court, respecting the Spanish merchant schooner "*Matilda*." This vessel was fallen in with and visited off the Port of Guantanamo, by the boats of the "*Vestal*," under the orders of the Second Lieutenant of that vessel, so far back as the 4th current, when it appeared that the English Lieutenant found the "*Matilda*" to be in the charge of an Officer and armed force belonging to the Royal Navy of Her Catholic Majesty, who were placed on board her by Lieutenant Cruz, Commander of the "*Teresita*," pilot-boat of war, who explicitly stated to the English Lieutenant that he had taken possession of the "*Matilda*" under the provisions of the Treaty existing between Great Britain and Spain, of the 28th June, 1835, on suspicion of her being destined for the Slave Trade, and fitted as a slave-vessel.

The Commissioners beg leave to transmit likewise copies of the Affidavits of the 2 Officers and 2 seamen belonging to the "*Vestal*," who formed a part of the force dispatched to visit the "*Matilda*," and who were thereby enabled to observe the several circumstances detailed, which are corroborative of the statement made by Lieutenant Cruz to the British Lieutenant, of the vessel's being fitted as a slaver.

The undersigned regret that the strict execution of their duty compels them to notice the neglect and delay which Lieutenant Cruz has been guilty of, in permitting so long a period to elapse without having fulfilled the enactments of the First Article to the Instructions to the vessels of the Royal Navies (Annex A. to the Treaty of 28th June, 1835), or without having in any way communicated to the Mixed Court of Justice the particulars of a transaction especially belonging to this Tribunal, and which it alone is capable of taking cognizance of and deciding upon.

The undersigned therefore rely upon the exertion of the superior authority of the Captain-General to take such measures as His Excellency may deem best calculated for causing Lieutenant Cruz to carry into effect, without further delay, the stipulations of the Treaty of the 28th June, 1835, under which he has detained the "*Matilda*," more especially Article 1st of Annex A. to this Treaty.

His Excellency the Captain-General,
&c. &c. &c.

The undersigned have the honour, &c.
(Signed) E. W. H. SCHENLEY,
R. R. MADDEN.

Fourth Enclosure in No. 84.

Affidavits.

(1.)

APPEARED personally before me, Edward Wyndham Harrington Schenley, Esq., *Mr. Rundle Burges Watson*, Second Lieutenant of His Majesty's ship "*Vestal*," who, being duly sworn, deposed, that on the 4th current, at 6h. 30m. P.M., when off the Harbour of Guantanamo, he was ordered by Captain William Jones, Commander of His Majesty's ship "*Vestal*," to proceed in charge of 2 of the boats belonging to the "*Vestal*" for the purpose of visiting a suspicious schooner, which appeared to have just weighed her anchor, and to be running into that port. That on his going on board he was received by a Spanish Officer, and a party of Marines in uniform. That the vessel was to all appearance fitted for the Slave Trade, having on board a pivot gun (12 or 18 pounder), 2 carronades (1 on each gangway), very large coppers, open hatches, and small scuttles; the whole such as he had often before seen on board slave-vessels. That he was informed by the Spanish Officer that he belonged to the Spanish man-of-war pailebot "*Teresita*," at anchor about a cable's length in-shore. That the suspicious schooner was the "*Matilde*," under Spanish colours, detained by the "*Teresita*." That the deponent went into the after-cabin of the "*Matilde*," and returned on deck, during which period a boat arrived from the "*Teresita*." That deponent expressed a wish to proceed with the further inspection

of the vessel, but was refused until the Officer should receive further orders from his Commander, then on board the "*Teresita*." Shortly afterwards an Officer arrived from the "*Teresita*," who declared himself to be Lieutenant Cruz, the Commander of the "*Teresita*;" that he was acting under the Treaty recently concluded between Great Britain and Spain, and had that morning, at 11 A.M., detained the "*Matilde*" on a suspicion of her being destined for the illicit traffic in slaves, and fitted for that purpose; that he was going to send her to Cuba for adjudication; and, upon being asked whether he himself intended to proceed thither, he stated that he should previously finish his cruise.

(Signed) R. BURGESS WATSON, *Lieutenant R.N.*

Sworn before me at the Havana, this twenty-ninth day of May, one thousand eight hundred and thirty-seven.

(Signed) EDWARD W. H. SCHENLEY,
Acting Judge in the Mixed Court.

(2.)

Mr. William Thomas Rivers, Mate on board His Majesty's ship "*Vestal*," being duly sworn, declared that he accompanied Lieutenant Watson in charge of the jolly-boat on the 4th instant, when proceeding to examine the Spanish schooner "*Matilde*;" that he went on board that vessel, and understood that she had been detained by the Spanish schooner-of-war "*Teresita*," on suspicion of being engaged in illicit Slave Traffic, or fitted for it; that in the execution of his duty, on attempting to go below, he was stopped by a marine; that the armament, and particularly the coppers, were precisely similar to what he had seen before on board slave-vessels.

(Signed) WILLIAM T. RIVERS, *Mate.*

Sworn before me at the Havana, this twenty-ninth day of May, one thousand eight hundred and thirty-seven.

(Signed) EDWARD W. H. SCHENLEY,
Acting Judge in the Mixed Court.

(3.)

William Kinnaird, Coxwain of the cutter, which was one of the boats commanded by Lieutenant Watson when he proceeded on board the "*Matilde*," being duly sworn, deposed that, while alongside, he particularly noticed the combings of the hatchways to be fitted with holes for receiving bars, and the vessel's coppers to be precisely similar to those he has before seen on board slave-vessels.

(Signed) WILLIAM ^{his} X KINNAIRD.
_{mark.}

Sworn before me at the Havana, this twenty-ninth day of May, one thousand eight hundred and thirty-seven.

(Signed) EDWARD W. H. SCHENLEY,
Acting Judge in the Mixed Court.

(4.)

William Felsted, seaman, belonging to the "*Vestal*," being duly sworn, confirmed the above deposition of William Kinnaird.

(Signed) WILLIAM FELSTED.

Sworn before me at the Havana, this twenty-ninth day of May, one thousand eight hundred and thirty-seven.

(Signed) EDWARD W. H. SCHENLEY,
Acting Judge in the Mixed Court.

Fifth Enclosure in No. 84.

The Captain-General to His Majesty's Commissioner.

(Translation.)

Havana, 7th June, 1837.

I HAVE received your Communication of the 29th of last month relative to the Spanish merchant schooner "*Matilde*," which was fallen in with off Guantánamo by His Britannic Majesty's ship "*Vestal*" on the 4th of the same month; and, on examination, it was found that the "*Matilde*" was under the charge of an Officer of the Spanish Navy, placed on board by Lieutenant Cruz, Commander of the pilot-boat of war "*Teresita*," who stated that he had taken possession of the said schooner, under the conditions of the existing Treaty, on suspicion of her being destined for the Slave Trade; and, having referred the said Communication, with the Documents it contained, to the First Assessor-General, he has advised me, under this day's date, as follows:—

"Most Excellent Sir,—The Assessor opines, saving the better judgment of your Excellency, that the Communications made to your Excellency by the British Commissioner should be referred to the Commandant-General of the Marine for the proper purposes, acknowledging in the meantime the receipt thereof. Notwithstanding, they contain some occasions for previous discussion, which, however, we must pass by for the present, in consideration of the gravity of the subject, which must not, on any account, become torpid, or whatever your Excellency may deem most proper."

And I, agreeing with the above advice, acquaint you therewith in reply, as also that I have, under this day's date, addressed the necessary Official Letter to the Commandant-General of Marine of this station.

God preserve you many years.

*The Commissioners of His Britannic Majesty
in the Mixed Court of Justice.*

(Signed) MIGUEL TACON.

Sixth Enclosure in No. 84.

(Translation.)

The Captain-General to His Majesty's Commissioners.

GENTLEMEN,

Havana, 17th June, 1837.

UNDER this day's date I have forwarded to the Mixed Court of Justice the reply of the Commandant-General of Marine on this station relative to the occurrence of the schooner "*Matilde*;" and considering that you, as Commissioners of the same Tribunal have to acquaint yourselves with

the contents of the Official Letter and Documents remitted by the aforesaid Chief of Marine, I have not thought it necessary to repeat the said communication ; but if, nevertheless, you should consider they will be useful to you, I will send you a certified Copy of the said Documents on your application for them.

God preserve you many years.

The Commissioners of His Britannic Majesty,
&c. &c. &c.

(Signed)

MIGUEL TACON.

No. 85.

Viscount Palmerston to Her Majesty's Commissioners.

(Extract.)

Foreign Office, 14th August, 1837.

I HAVE received your Despatch of the 26th of January last, reporting the Case of the Spanish brig "*General Laborde*," which vessel was detained, under Article 10 of the Treaty of June 1835, with Spain, for being equipped for the Slave Trade, and was released by Decree of the British and Spanish Mixed Court of Justice, of which you are members.

I must observe, that taking into consideration the fact of the illegal equipment of the "*General Laborde*," and the notorious disregard of truth among persons engaged in the Slave Trade, Mr. Schenley was fully warranted in maintaining his opinion, that the vessel was intended for that traffic.

I, therefore, approve of Mr. Schenley's proceedings in this Case, and more particularly of his application to the Captain-General, that the "*General Laborde*" might not be permitted to quit the port again with her illegal equipment on board ; and I have to inform you, that on this last point Her Majesty's Minister at Madrid will be instructed to make a representation to the Spanish Government.

No. 86.

His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 13.)

MY LORD,

Havana, 30th June, 1837.

ON the 15th current, the Acting Arbitrator having witnessed the exhibition on sale of a great number of bozal negroes in the front of a house situated upon one of the most frequented public resorts of this city, he communicated the facts, in writing, to Mr. Schenley, who deemed it expedient to make an immediate denouncement of them to the Captain-General. Accordingly, a Letter, of which we have the honour to enclose a Copy, was addressed to his Excellency. The Acting Judge, viewing this Case as one of more than ordinary hardihood and outrage of the Treaty, upon the part of the slave-dealers, resolved to use every effort to bring the miscreants engaged in it to justice. He accordingly acquainted himself with the locality of the building, and ascertained that a great proportion of the unfortunate inmates had not been disposed of during the sale of the previous day, but remained pent up, to be again offered when purchasers should present themselves.

The following morning (the 17th) a Letter from the Captain-General to the Commissioners, bearing date the 16th, was delivered to Mr. Schenley. This Letter, of which we beg leave to transmit a Copy, purports to require a more particular description of the precise situation of the denounced house. We, however, cannot consider it in any other light than written for the purpose of giving time to the slave-dealers to drive away their unhappy victims to a more secure retreat ; for there is no "*Paseo*" within the immediate precincts of this city, except the one our Letter describes ; nor, indeed, any other public place bearing such a denomination, with the exception of a drive, lately constructed by the Captain-General, at the distance of a mile and a half from the city, and upon which there are no houses whatever.

Such being the fact, together with the air of derision which the Captain-General's Reply seemed to throw upon the communication of the Commissioners, Mr. Schenley resolved upon adopting a course, certainly not heretofore pursued by the British Commissioners, but which, nevertheless, he hopes may meet with the approval of His Majesty's Government ; namely, to put an end to all further doubt or subterfuge respecting the position of the house in question, by stating to the Captain-General that, if requisite, "one of the Commissioners would accompany,

and point it out" to such Officer as his Excellency might depute to carry on the investigation; and, as this measure might be supposed to involve personal risk, the Acting Judge gave a written assurance to his colleague, previous to asking his signature to it, that he would not be called upon to perform the onerous duty.

No further communication reached the Commissioners, relative to this nefarious transaction, until the 29th instant, when a long list of depositions and examinations, accompanied by a Letter from the Captain-General, was forwarded to us. We enclose, for your Lordship's information, a Translation of the above Documents; and thus has terminated, in a mass of, we regret to say, gross perjury, a transaction respecting which, and the correctness of our statements, there remains not a shadow of doubt upon our minds.

We have, &c.

(Signed) EDWARD W. H. SCHENLEY.
R. R. MADDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 86.

His Majesty's Commissioners to the Captain-General.

Havana, 16th June, 1837.

THE Undersigned, Commissioners of His Britannic Majesty, under the Treaty for the suppression of the Slave Trade, have the honour to acquaint his Excellency the Captain-General with the following very flagitious act of slave-dealing which was committed yesterday within the immediate precincts of this city, in broad daylight, and in one of the most frequented places of recreation for the inhabitants of the Havana, namely, the exposure for sale of a considerable number of bozal negroes, for the most part children, at the front of the house No. 61, on the Paseo, where these unfortunate victims were subjected to the disgusting modes of examination customary at these sales, in the presence of a number of persons congregated as purchasers.

The Undersigned have reason to believe that the whole of these unhappy beings were not disposed of yesterday; they, therefore, entertain a hope that the measures which they feel assured the Captain-General will adopt upon the receipt of this information may be the means of capturing and bringing to punishment the perpetrators of this atrocious crime, which exhibits an almost unparalleled defiance and contempt for the solemn Treaties to which their Government has so recently renewed its pledge formally to abolish the traffic in slaves throughout the dominions of Her Catholic Majesty.

The Undersigned have the honour, &c.

His Excellency the Captain-General,
&c. &c. &c.

(Signed) E. W. H. SCHENLEY.
R. R. MADDEN.

Second Enclosure in No. 86.

The Captain-General to His Majesty's Commissioners.

GENTLEMEN,

Havana, 16th June, 1837.

I HAVE just received your Official Letter of to-day, in which you are pleased to acquaint me that yesterday afternoon, in broad daylight, and in one of the most frequented spots, a considerable number of bozal negroes had been exposed for sale, viz., in the front of the house No 61, on the Paseo; and as in the neighbourhood of this city there are various spots with the same name of "Paseo," I request you will state without loss of time, and with sufficient clearness, to which of them you allude, in order that I may give the necessary directions with exactness.

God preserve you many years.

The Commissioners of His Britannic Majesty,
&c. &c. &c.

(Signed) MIGUEL TACON.

Third Enclosure in No. 86.

His Majesty's Commissioners to the Captain-General.

Havana, 17th June, 1837.

THE Undersigned, Commissioners of His Britannic Majesty, have the honour to acquaint his Excellency the Captain-General, in reply to his Letter of yesterday, that the house where the sale of bozal negroes was held, on Thursday, is No. 61, on the Paseo, or public promenade, situated between the Campo de Marte and the Punta. They beg further to add, if any difficulty still exists in ascertaining the precise place, that one of the Commissioners will accompany and point it out to such Officer as his Excellency may order to proceed to the investigation of this open and scandalous infraction of the Treaty, although the period which has now elapsed must render the detection of the offenders doubtful. Meantime they have the honour to avail themselves, &c.

(Signed)

G. W. H. SCHENLEY.
R. R. MADDEN.

His Excellency the Captain-General,
&c. &c. &c.

Fourth Enclosure in No. 86.

The Captain-General to His Majesty's Commissioners.

GENTLEMEN,

Havana, 29th June, 1837.

IN the Report of proceedings adopted in consequence of your communication of the 16th instant, respecting the sale of a considerable number of bozal negroes on the preceding day, in the

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front of the house No. 61, on the Paseo, the first *Teniente Asessor-General* of the Government has advised me as follows:—

"Most Excellent Sir,—The British Commissioner, in his Official Letter of the 16th instant, was pleased to announce to your Excellency, that in the front of the house No. 61, on the Paseo, there had been exposed to the public for sale several *bozal* negroes, for the greater part children, but without explaining, doubtless through an involuntary omission, on which of the Paseos this had taken place. This point being cleared up by the Official Letter of the following day, although then with little hope of a good result, as the Commissioner observes, an Officer, who has performed with exactness delicate commissions for your Excellency, proceeded immediately to surprise the house and the slaves, and discovered no other vestige or sign of the dealing than a few plank couches, which indicated having contained a greater number of intelligent negroes, "*ladinos*," than were found. The Assessor does not consider it impossible that the circumstance may have been as the Commissioner was pleased to denounce, for it is nowise strange that the interests and avarice of man generally find means to elude the best measures adopted by a vigilant police; nevertheless, it is certain that nothing was discovered, and all that is manifest is the want of vigilance and the neglect of the Capitán de San Lazaro, to whose ward belongs the house No. 61, on the Paseo. To this individual, as well as to the rest of the *Comisarios*, your Excellency has issued the strictest orders not only to impede, but to apprehend the violators of the Treaty; and it is very singular that in his quarter a number of negroes should be collected together without its having come to his knowledge, or without his endeavouring to acquaint himself with the motive which occasioned it, in order to give due notice to your Excellency. For which notable neglect he, the Assessor, considers it just that your Excellency be pleased to direct him to be seriously admonished for the future, that in case of any other similar report your Excellency will dismiss him from his situation and correct him according to circumstances. Your Excellency may also be pleased to reiterate the like charge to the rest of the *Comisarios* of wards, and address a statement of the whole of the depositions to the British Commissioner, in satisfaction and reply to his Official Letters, or whatever else your Excellency may consider more to the purpose."

And having conformed with the above advice, I transcribe it to you, together with the depositions referred to, in reply to your beforementioned Official Letter.

God preserve you many years.

The Commissioners of His Britannic Majesty,
&c. &c. &c.

(Signed)

MIGUEL TACON.

Sub-Enclosure in No. 86.

Summary of the Proceedings adopted in consequence of a Denunciation of the Sale of Bozal Negroes in a House No. 61 on the Paseo.

Decree.

Havana, 28th June, 1837.—The Government Notary will immediately make out a Report of the annexed proceedings, adopted in consequence of a denunciation of the existence of *bozal* negroes in the house No. 61, Calle del Prado, in the ward of San Lazaro, and having done so he will return them to the Secretary's Office.

(Signed) TACON.

Official Report.

"Most Excellent Sir,—I beg to lay before your Excellency, in 11 leaves of paper, the Report of the proceedings adopted by me, in consequence of your Excellency's Special Commission, in order to discover the facts from which resulted the denunciation of a number of *bozal* negroes having been publicly disposed of at the house No. 61, Calle del Prado, in the ward of San Lazaro, as stated to your Excellency by His Britannic Majesty's Commissioners, in their Official Note of the 16th instant, translated at 2 o'clock the same day, in order that your Excellency may determine thereon. God preserve your Excellency many years.—Jesus Maria, 29th June, 1837.—To His Excellency the Captain-General.

(Signed) MANUEL DE MOYA.

Decree.

Havana, 19th June, 1837.—Let this summary be referred to the first Assessor-General.

(Signed) TACON.

Opinion of the Assessor.

Most Excellent Sir,—The British Commissioner, in his Official Letter of the 16th instant, was pleased to acquaint your Excellency, that in the front of the house No. 61, Calle del Prado, &c. (see Captain-General's Official Note of the 29th June, 1837).—Havana, 26th June, 1837.

(Signed) JOSE ILDEFONSO SUAREZ.

Decree.

Havana, 27th June, 1837.—I agree with the above. Let it be accomplished.

(Signed) TACON.

(Here follows the Letter of His Majesty's Commissioners of the 16th June, translated into Spanish, by Don Luis Payne, on the same day. Then the Captain-General's of the same date. And the reply thereto of the following day (the 17th).

Decree.

In haste.—Havana, 18th June, 1837.—Forward the preceding to the First Assessor-General for his advice.

(Signed) TACON.

Opinion of the Assessor.

Most Excellent Sir,—Your Excellency may be pleased to direct that the District Judge whom you may name proceed immediately to the place named in this Official Letter, and, together with a Notary of Her Majesty, proceed to the summary investigation, seizure of the *corpus delicti*, and imprisonment in the public gaol of such persons as may prove to be guilty, acquainting the British Commissioner therewith, as also that the spot at which the prohibited dealing was effected having been indicated, it appears to be unnecessary to trouble himself to point it out in person. Finally, your

Excellency may repeat your charge to the Officer you may select, that he omit no means of investigation, nor to write down any signs denoting the deposit and sale of the negroes, with which he will return for further directions, unless your Excellency be pleased to direct otherwise.—Havana, 18th June, 1837.

(Signed) JOSE ILDEFONSO SUAREZ.

Decree.

Havana, 19th June, 1837.—I agree to the preceding advice, and nominate the Captain, District Judge of the Ward of Jesus Maria, to proceed immediately and execute whatever is therein directed, and give me immediate advice of the result, this Decree furnishing him with the assistance he may require as regards my military jurisdiction.

(Signed) TACON.

Report of the Proceedings.

On the 18th June, 1837, the Sub-Lieutenant Don Manuel de Moya y Morejon, Captain of a Ward, commissioned to execute this Inquiry, as expressed in the Superior Decree of this day's date, inserted at page 5, accompanied by me, the Notary present, proceeded from the quarter of Jesus Maria to that of San Lazaro, to the street of the Prado on the Paseo, outside the city, and the house No. 61, for the purpose of accomplishing the orders contained in the above-mentioned Decree, which is in conformity with the preceding opinion; and on arriving there and finding its doors closed, knocked several times, when upon a coloured man appeared and stated that no one lived in the said house, and that in order to enter it it was necessary to pass through the front of No. 34, in the Calle del Consulado, which is a baker's shop. Upon this we went immediately to the said house in the Calle del Consulado, and being introduced as far as the principal room of No. 61, on the Paseo, and into the first and second rooms, there were sundry plank couches which covered the floor, upon which it appeared sundry negroes had rested on the previous days, according to the statement of Don José Cabré, the master of the baker's shop in the Calle del Consulado, through which we entered, and which communicates with No. 61, on the Paseo, by means of an alley which unites them at either end; and in the third room, opening into the yard of the house No. 61, on the Paseo, were found lying on the floor 9 intelligent negroes (*negros ladinos*), who declared themselves to be the property of Don Pedro Francisco Vilch, and belonging to an estate of his at a place called Arroyo Apolo, this individual being engaged in commerce in this city, and also as principal exchange broker. They stated that, being ill, their master had brought them here to be cured. And in order to ascertain the truth, the Judge of the present Commission directed that upon the oath of religion Don José Cabré should be examined as to these particulars, as also Don Pedro Francisco Vilch, the negro who first answered their call, and as many other persons as shall be required to discover the truth; that the Citations be made out; and that whatever other steps and proceedings may be necessary be adopted. Thus he directed and signed in my presence, of which I certify.

(Signed) MANUEL DE MOYA.
Before me, CARLOS COLON.

Another.

In the ward of San Lazaro, outside of this Most Faithful City of Havana, on the 19th June, 1837, before the said District Judge of the present Commission, and me, the Notary, appeared Don José Cabré, native of Palma, in Majorca, an inhabitant of this ward, a bachelor, employed as master of a baker's shop, and 50 years of age, who made oath according to law, upon which he promised to declare the truth; and, being examined as to the particulars considered necessary, stated that, about 8 days ago, Don Pedro Francisco Vilch brought 18 or 20 negroes from his estate, who had sores and other disorders to cure, and placed them in the same house in which were seen the 9 who have not yet recovered from their diseases; the whole of them being intelligent negroes (*ladinos*), and belonging to him: that he has been sending them back as they recovered; the plank-couches which remain in the first and second rooms of the before-mentioned house, whose entrance is on the Paseo, having been used by them. Being questioned as to whether he knows that, in the house, No. 61, Calle del Prado, or the Paseo, on the 15th instant, there were bozal negroes for sale, and whether any of them were sold, and to whom they belonged, and by what individual their sale was effected, he replied that there was no such thing; but it happened that, as the number of sick negroes, although not seriously so, amounting to 18 or 20, were publicly exposed, several persons, moved by curiosity, came to the house, and some even inquired if they were for sale; and also several other persons, friends of Vilch, came to see them, but not because they were to be sold; and, in fact, no sale was effected. And he declares that what he has stated is the truth, in virtue of the oath he took. His declaration was read over to him, which he allowed to be correctly and faithfully written down, and then signed it, together with the Captain; of which I was witness.

(Signed) MANUEL DE MOYA.
JOSE CABRE.

Before me, CARLOS COLON.

Another.

In the ward of San Lazaro, without the walls of the Most Faithful City of Havana, on the 19th June, 1837, before the said District Judge, and me, the Notary, appeared, on being called, the negro José Joaquim Palacios, native of this city, a slave of Dona Maria de Jesus Palacios, 17 years of age, and apprenticed to the trade of calesero, to whom the oath was administered according to law, upon which he promised to declare the truth; and, being examined on such particulars as were deemed proper, he deposed that, by order of Don José Cabré, under whose care he is placed, he went to the estate of Don Pedro Francisco Vilch, at Arroyo Apolo, and brought from thence about 20 negroes, who were sick slaves of Don Pedro, in order to their being cured at the house where he first spoke with the Judge who questions him; of which negroes only 9 remain, because the others, having recovered, were carried away again by the said Don Pedro. Being asked whether, in the same house in which the remaining 9 now are, there were, on the 15th instant, bozal negroes, who were being publicly sold, he replied that there were not; but that, as there were so many in the house, several gentlemen came to see them, thinking they were *bozales* for sale; but they were all *ladinos*, and slaves of Don Pedro, who had brought them here to be cured; and that nothing else occurred. And, declaring the above to be the truth, upon his oath, it was read over to him, and he confirmed it, but

did not sign, because, as he said, he knew not how; wherefore the Captain signed for him; of which I witness.

(Signed) MANUEL DE MOYA.
Before me, CARLOS COLON.

Another.

In the ward of San Lazaro, without the walls of the Most Faithful City of Havana, on the 19th June, 1837, before the said District Judge, and me, the Notary, appeared, on citation, Don Pedro Francisco Vilch, native of Majorca, inhabitant and merchant of this capital, a bachelor, and 25 years of age; whose oath was received according to law, upon which he promised to declare the truth; and, being examined as to the tenor of the declarations resulting from these proceedings, and other particulars considered necessary, he deposed that, in fact, it is all quite correct that has been stated,—that several negroes, belonging to him, and off of an estate likewise his property, having fallen sick, he caused them to be brought, on the 11th instant, to a house belonging to Dr. Manuel Cao, being No. 61, in the Calle del Prado, for the purpose of curing them sooner than could be done in the country; in which house there were still remaining 9 of them, who have not quite recovered; the whole having been brought hither by the coloured man, José Joaquín Palacios. Being asked if he disposed of, at the before-mentioned place, any of these negroes, or if he is aware that there were bozal negroes in the same house, on the 15th instant, who were publicly sold, and if so, to declare what he knows on this particular subject, he replied that no sale whatever was effected, nor did there exist, in the place in question, any other negroes than what he had stated as being all his property; but, as the deponent and several of his friends go there every day to see them, persons have not been wanting who thought they were bozales for sale; and even many have come to make the inquiry of him; but they were informed of the contrary. Being asked what physician attended his slaves in their illness, and who attends them at present, he stated that no physician attended them, because, their disorders being very slight, a little rest was sufficient, together with some household remedy, to restore them. And, declaring the above to be the truth, upon his oath, he read it over, stating it to be faithfully written down, and signed with the Captain; of which I witness.

(Signed) MANUEL DE MOYA.
PEDRO FRANCISCO VILCH.
Before me, CARLOS COLON.

Another.

In the ward of San Lazaro, without the walls of the Most Faithful City of the Havana, on the 19th June, 1837, the before-mentioned Captain, accompanied by me, the Notary, went to the house next door to No. 61, Calle del Prado, and finding there Don Cirilo Castejon, native of Majorca, an inhabitant of the ward in which he occupies the house in which he is examined, a bachelor, clerk of a mercantile house, and 19 years of age, to whom was administered the oath, according to law, upon which he promised to state the truth; and, being examined with respect to particulars considered necessary, he declared that he is certain that, in the next house, No. 61, there have not been any other negroes than about 20 *ladinos*, sick, the property of Don Francisco Vilch; and that he is equally certain that, on the 15th of the month, there were no *bozal* negroes in the house just mentioned, neither was there a sale of any class of negroes; for, on that very day, the 15th, he did not go out anywhere; but, from time to time, he went to see the negroes, and to chat with other persons who went for the same purpose in company with their master. And he declares all he has stated to be true, according to the oath he has taken. He read his deposition, declaring it to be correct and faithfully taken down, and signed it, together with the District Judge of the present Commission; of which I certify.

(Signed) MANUEL DE MOYA.
CIRILO CASTEJON.

Before me, CARLOS COLON.

Another.

In the ward of San Lazaro, without the walls of the Most Faithful City of Havana, on the 19th June, 1837, before the same Captain, and me, the Notary, was brought one of the negroes of those existing in the house, No. 61, in the Calle del Prado, or Paseo, outside the walls, to whom was administered the oath, according to law, upon which he promised to declare the truth; and, in consequence, he was examined as to the following particulars. Being asked what are his Christian and surnames, his age, state, calling, and condition, and where is his native place and residence, he deposed that his name is Juan Crisostomo; that he is a slave of Don Pedro Francisco Vilch, a bachelor, a labourer on an estate of his master at Arroyo Apolo, of the Lucumi nation, and about 45 years of age. Being asked why he is in this place, and by whose order, with whom he came, and how long ago, he stated that the deponent and about 26 of his companions, who were all sick at the estate in Arroyo Apolo, were sent for by their master, who sent to fetch them the *chino* (coloured man), José, of the baker's shop, on Saturday of last week, that they might be cured here, in the Havana; and that, already, nearly the whole of them have returned to the estate well, and that only 8 of his companions remain, who are now also well, but who have not yet returned because their master had not sent for them. Being asked if he had seen, if he knew, or had heard say, that there were bozal negroes, last week, in the same house, and for sale to the public, he replied in the negative, since they who were there were only the deponent and his companions, as he has already stated; but that many gentlemen entered to inquire if they were for sale, because, there being so many of them, and the street door open, they thought so. Being asked if they were cured by a medical man, and if he knows how he was named, he stated that they were not, but that they themselves prepared borage or white mallows to drink, by direction of their master; and some of them took purges, that their master himself gave them, of castor-oil, which cured them of the chest complaint, with which most of them were ill. And he declared that he had stated the truth, upon his oath. And his declaration was read to him, which he said was correct; but did not sign, as he said he could not, wherefore the Captain signed for him; of which I certify.

(Signed) MANUEL DE MOYA.
Before me, CARLOS COLON.

Another.

In the ward of the San Lazaro, without the walls of the Most Faithful City of Havana, on the 19th June, 1837, before the said Captain and me, the Notary, was brought another negro of those

ing in the house No. 61, Calle del Prado, in this ward, to whom was administered the oath according to law; upon which he promised to tell the truth, and in consequence he was questioned as follows:—What are your Christian and surnames, where born and dwelling, how old, what state, calling, and condition. He replied, that his name is Mateo Vilch, that he is a native of Africa, of the Lucumi nation, about 32 years of age, a slave of Don Pedro Vilch, a bachelor, and a labourer on the estate of his master? Being asked why he is in this place, when he came to it, and with whom, he replied, that being ill with a complaint of the chest, his master sent the coloured man, José, to fetch him on Saturday of last week, and that there came with the deponent more than half of his companions on the estate to be cured. Being asked if he has seen, knows, or has heard say, that in the same house there were bozal negroes for sale to the public, he stated that there have been no others in the house but the deponent and his companions; that they have all been a long time in this country, but as there were so many of them, and the street-door open, persons passing by thought they were *bozales*, and many gentlemen entered to look at them, but that no one was sold, nor was there any sale of *bozales*. And he declared the above to be the truth upon his oath, and that it was correctly taken down, but did not sign because, as he said, he knew not how. The Capitan therefore signed for him, and I certify.

(Signed) MANUEL DE MOYA.

Before me, CARLOS COLON.

In the ward of Jesus Maria, outside the walls of the Always Most Faithful City of Havana, on the 19th June, 1837, the Capitan, Judge in the present Case, stated that these proceedings being completed as much as possible, they should be remitted with an Official Letter to his Excellency, in obedience to his orders, and for the proper purposes this will be deposited as a voucher; of which I certify.

(Signed) MOYA.
COLON.

A true Copy of the originals, which I returned to the Civil Secretary's Office, and to which I refer; and in obedience to orders I caused the present copy to be made.—Havana, 28th June, 1837.

(Signed) MANUEL AYALA.

No. 87.

His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 13.)

MY LORD,

Havana, 30th June, 1837.

WE beg to transmit the Lists of the arrivals and departures of slave-vessels which have come to our knowledge during the month past.

Arrivals.

8th June, Portuguese brig	"Diligente,"	— Acosta, Master.
10th " "	"Hercules,"	— Ferreira "
14th " "	"Triunfo,"	— Cardoso "
20th " "	"Maria Teresa,"	— Mayo "

Departures.

3d June, Portuguese brig	"Matilda"	Cleared for Loanda.
13th " American "	"Morris Cooper"	" Isla del Principe.
" " Spanish "	"Aguila Veugadora"	" Madagascar.
16th " Portuguese schooner	"Liberal"	" Isla del Principe.
19th June American schooner	"Terrible"	Cleared for Cape de Verde.
26th " Portuguese ship,	"Amelia"	" Mozambique.
27th " Spanish schooner,	"Nueva Amable Salome"	" Cape de Verds.

Several vessels have succeeded in landing cargoes, the names of which we have not been able to obtain; but the present reduced price of bozal negroes leaves no doubt that the importations have of late been considerable.

We have, &c.

(Signed) EDWARD W. H. SCHENLEY.
R. R. MADDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c. &c. &c.

No. 88.

His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 13.)

MY LORD,

Havana, 30th June, 1837.

IN pursuance of the Act of Parliament, entitled "An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade," we have the honour to enclose a Return of the Cases adjudicated in this Mixed Court during the last 6 months.

We have, &c.

(Signed) EDWARD W. H. SCHENLEY.
R. R. MADDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c. &c. &c.

Enclosure in No. 88.

Return of Spanish Slave-Vessels brought before the Mixed Court at the Havana for Adjudication between the 1st January and the 30th June, 1837.

Name of the Vessel.	Date of Seizure.	Property seized.	Name of Seizor.	Date of Sentence.	Decretal part of Sentence, whether Forfeiture or Restitution.
General Laborde.	16 Dec. 1836.	Brigantine. Cargo of tobacco.	Lieut. Geo. Byng, commanding His Majesty's schooner Pincher.	17 Jan. 1837.	Case referred to arbitration, and sentence of restitution pronounced by a majority of the Court.

(Signed)

EDWARD W. H. SCHENLEY.
R. R. MADDEN.

No. 89.

His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 13.)

MY LORD,

Havana, 26th July, 1837.

WE beg leave to refer to our Despatch of the 22d of June, respecting the detention of the Spanish slave-schooner "*Matilde*" by the Spanish man-of-war "*Teresita*." We regret that it is not yet in our power to furnish your Lordship with any satisfactory information relative to this detention. On the 6th of July the Judges of the Mixed Court addressed another Letter to the Captain-General, referring his Excellency to the 1st Stipulation of Article 7 to the Treaty of the 28th June, 1835, in accordance with which they demanded the immediate delivery of the Case for adjudication before this Tribunal. His Excellency issued a mandate to that effect to the Marine Department, but the usual slowness of that Department, together with the delay consequent upon the distance between this city and Santiago de Cuba is the only reason that Mr. Schenley can assign for the delay, he having understood distinctly from the Captain-General that the Case should be delivered over for adjudication before the Mixed Court.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.
R. R. MADDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 90.

His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 13.)

(Extract.)

Havana, July 31st, 1837.

A SAFE opportunity presenting to forward a Despatch to England, Mr. Schenley avails himself of it to lay before your Lordship the Copy of a Letter from the Captain-General to the Judges of the Mixed Court, which came to hand the day after the sailing of His Majesty's packet for England. Your Lordship will perceive by this Communication that the demand of the Judges to have the case of the "*Matilde*" delivered over for adjudication before the Mixed Court, has been acceded to; and that the necessary orders to that effect have been issued under the directions of the Captain-General by the Chief of the Marine Department.

Enclosure in No. 90.

The Captain-General to the Mixed Commission.

(Translation.)

MOST EXCELLENT SIR,

Havana, 22d July, 1837.

THE Commandant-General of Marine on this Station writes me, under date of the 15th inst., as follows:—

"Most Excellent Sir,—Having referred to the opinion of the Judge Auditor of War of the Marine of this Station your Excellency's Official Letter of the 12th instant, and the antecedent ones which accompanied it, relative to the detention of the schooner '*Matilde*' by the pilot-boat '*Teresita*,' he

has given it in the following terms:—"Senor Commandant-General,—From the copies of the Documents transmitted by his Excellency the President-Governor and Captain-General in his Official Letter of the 12th instant, it appears that yours of the 15th of last month, enclosing my advice and report of the proceedings adopted at Cuba in consequence of the detention of the schooner '*Matilde*,' was forwarded to the Mixed Court, who do not even make mention of these antecedents in their resolution or decree of the 12th of the previous month, which was enclosed to you by his Excellency the Captain-General in his Official Letter of the 30th of the same month. Considering this silence of the Mixed Court, and remaining of course firm in my principles, since the reasons upon which I founded my report of the 8th of last month have not been weakened, I ought immediately to insist on my advice already given; but taking into consideration that it involves a treaty with a foreign nation, an ally and friend of our own, that the subject is a serious one, and that it is desirable, by means of your authority to remove even the slightest shadow of interest or partiality towards the Officer commanding the pilot-boat '*Teresia*;' I opine that the Commandant of the Port of Cuba should be immediately directed to send to this port, without delay, and place at the disposal of the Mixed Court the schooner '*Matilde*,' with her crew, under a suitable escort, without prejudice to Her Majesty being informed of what has taken place, in order that she may deign to decide upon the line of conduct to be pursued in similar cases, particularly calling Her Royal attention to the circumstance of the Mixed Court having refused to take your communications into consideration, whose authority it appears to disown, when stating that it can only acknowledge that of his Excellency the Governor and Captain-General. That therefore a report of the proceedings be made by the Notary and laid before you; and, finally, that his Excellency the Captain-General's Official Letter of the 12th instant be replied to, inserting this advice therein, should it merit your approval.—Havana, 15th July, 1837.

(Signed) 'ANASTASIO CARILLO.'

"And having conformed thereto by decree of this day's date, I insert it to your Excellency for your information and in reply."

And I transcribe it to your Excellency and the other Members of the Mixed Court for the proper purposes.

His Excellency the Conde de Fernandina,
and the other Members of the Mixed Court,
&c. &c. &c.

God preserve you many years.

(Signed) MIGUEL TACON.

No. 91.

His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 15.)

MY LORD,

Havana, 31st July, 1837.

WE have the honour to transmit enclosed a List of the names of such slave-vessels as we have been able to obtain during the past month, which have sailed from and arrived at this port.

We beg leave to state that on the 29th of June a vessel, named the "*Trasibolo*," under *Austrian* colours, arrived at this port from the Coast of Africa. She was consigned to the French Consul, who, being prohibited by his Government from engaging in commerce, placed her in the hands of Mangoaga and Co., *notorious slave-dealers*. She is now publicly advertised, and is loading to return to the Coast of Africa.

We have likewise been informed, upon good authority, that, under the supposition of the accession of Portugal to the Equipment Article, the slave-dealers being thereby driven from the succour they at present receive from that flag, are about to use extensively the flag of Austria, to secure them against capture by His Majesty's cruisers, when found equipped for the Slave Trade.

Mr. Schenley has great satisfaction in acquainting your Lordship that one of the persons most deeply engaged in this nefarious commerce admitted, unequivocally, that the general adoption of the Equipment Article must put an end to the Slave Trade, at all events so far as is connected with this distant voyage, it being impossible for slave-vessels to convey cargoes of negroes across the Atlantic without a large and easily distinguishable supply of water and provisions.

We have, &c.

(Signed) EDWARD W. H. SCHENLEY.
R. R. MADDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c. &c. &c.

Enclosure in No. 91.

Arrival.

17th July Portuguese schooner "*Ligera*," Miguel Antonio, Master.

Departures.

7th July, Spanish brig	" <i>Irene</i> "	Cleared for the Filipinas.
14th " Portuguese schooner	" <i>Constitucion</i> "	" Isla del Principe.
11th " American " "	" <i>George Washington</i> "	" Cape de Verds.

13th	„	Portuguese	„	“Triunfo de Cabo Verde”	Cleared for	San Tomé.
14th	„	„	„	“Dos Hermanos”	„	Isla de Ore.
„	„	American	„	“Perry”	„	Cape de Verds.
18th	„	Portuguese brig	„	“Maria Teresa”	„	San Tomé.
26th	„	„ schooner	„	“Prueba”	„	Calabares.
27th	„	„	„	“Segunda Maria”	„	Ditto.
28th	„	Spanish brig	„	“Emprendedor”	„	Cape de Verds.
29th	„	„ schooner	„	“Josefita”	„	Isla del Principe, by *Manegat.

* N.B. The same person who purchased the “Hyperion.”

No. 92.

His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 15.)

MY LORD,

Havana, 31st July, 1837.

WE have the honour to enclose Copies of a correspondence between His Majesty's Commissioners and the Captain-General, relative to the arrival in this Port of the slave vessel “*Ligera*,” a schooner under Portuguese colours.

Since the receipt of your Lordship's Despatch, of the 15th of December last, which acquaints us that it is our “imperative” duty to call to the attention of the Governor all Cases, and upon all occasions on which we may have good reason to think that the laws of Spain and the Treaties with England against the Slave Trade are unexecuted, we have not hesitated to notice in strong terms the shameful manner in which this Port is permitted to be made the rendezvous for the equipment of slave vessels, especially those sheltered by the Portuguese flag, and although the Acting Judge has been informed that the Captain-General has expressed a contrary opinion, yet we trust that the line of conduct which has been pursued relative to the “*Ligera*” may meet with your Lordship's approval.

We have, &c.

(Signed) EDWARD W. H. SCHENLEY.
R. R. MADDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 92.

His Majesty's Commissioners to the Captain-General.

Havana, 18th July, 1837.

THE Undersigned, Commissioners of His Britannic Majesty for the suppression of the Slave Trade, have the honour to acquaint his Excellency the Captain-General that it will be their duty to inform His Majesty's Government of the arrival in this Port yesterday of the schooner “*Ligera*,” under the Portuguese flag, which vessel had previously landed in the vicinity of the Havana 420 negroes, brought from the coast of Africa to be sold as slaves in this island.

The Undersigned have the honour, &c.

His Excellency the Captain-General.
&c. &c. &c.

(Signed) E. W. H. SCHENLEY.
R. R. MADDEN.

Second Enclosure in No. 92.

The Captain-General to His Majesty's Commissioners.

Translation.
GENTLEMEN,

Havana, 22d July, 1837.

THE second Assessor-General, 1st *ad interim*, to whom, for his opinion, I referred your communication of the 18th instant, reporting the arrival at this Port on the previous day of the schooner “*Ligera*,” under Portuguese colours, which vessel had previously landed in the neighbourhood of this city 420 negroes from Africa, has reported to me, under this day's date, as follows:—

“Most Excellent Sir,—It should be stated in reply, that your Excellency is informed of what is communicated, and hopes to be made acquainted with proof of the landing of the negroes, for the purposes corresponding to your Excellency, saving, &c.”

And I agreeing with the above advice insert it in reply to your above-mentioned communication.

God preserve you many years,

The Commissioners of His Britannic Majesty.

(Signed) MIGUEL TACON.

Third Enclosure in No. 92.

His Majesty's Commissioners to the Captain-General.

Havana, 28th July, 1837.

THE Undersigned, Commissioners of His Britannic Majesty, have the honour to acknowledge the receipt of his Excellency the Captain-General's official communication of the 22d current, calling upon them, by the advice of the Assessor-General, to furnish proofs of the landing of the negroes from the Portuguese schooner “*Ligera*,” which the Undersigned had the honour to denounce to the Captain-General on the 18th instant.

The Undersigned beg leave to state in reply that their duty as British Commissioners extends only to putting the Captain-General in possession of the facts that reach them connected with the carrying on of the Slave Trade, which may enable his Excellency, through the vigilance of his very effectual police, to bring to punishment the miscreants concerned in this nefarious commerce. And the Undersigned regret that they have felt it their duty, upon a full conviction, to report to their Government that the whole of the vessels which frequent this harbour under the Portuguese flag are solely engaged in the illegal traffic in slaves.

His Excellency the Captain-General,
&c. &c. &c.

The Undersigned have the honour, &c.

(Signed)

E. W. H. SCHENLEY.
R. R. MADDEN.

No. 93.

His Majesty's Commissioners to Viscount Palmerston.—(Received September 15.)

MY LORD,

Havana, 15th August, 1837.

WE have the honour to acknowledge the receipt of your Lordship's Despatch (No. 7) of the 15th May last, and, in reply, to transmit Copies of the Correspondence which has passed upon the subject of it between His Majesty's Commissioners and the Spanish Commissioners of the Mixed Court of Justice, whereby your Lordship will perceive that, our Spanish colleagues have consented to the terms of the alterations proposed to be made in the Certificates of emancipation which are in future to be delivered to the negroes liberated by the Decree of this Tribunal.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.
R. R. MADDEN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 93.

His Majesty's Commissioners to the Spanish Commissioners.

MOST EXCELLENT SIR AND GENTLEMEN,

Havana, 3d July, 1837.

It appearing to His Majesty's Government that the Certificate of emancipation delivered to the negro emancipated by the sentence of the Mixed Court does not distinguish with sufficient clearness which of the 2 Governments it is to whose custody and care the negro is to be consigned; we have, in consequence, received instructions from Viscount Palmerston to propose to your Excellency and the other Spanish Members of this Mixed Court, that as, according to the Treaty of 1835, the negro is to be placed at the disposal of the Government whose cruiser captured the vessel in which he was taken, and as this is what ought to be expressed in the Certificate, the words "El Supremo Gobierno," at the end of the Certificate, be replaced by the words "El Gobierno de Su Magestad Britanica," or "Catolica," as the case may require.

We have, &c.

(Signed)

E. W. H. SCHENLEY.
R. R. MADDEN.

To His Excellency the Conde de Fernandina and the other Spanish Members of the Mixed Court.

Second Enclosure in No. 93.

The Spanish Commissioners to His Majesty's Commissioners.

GENTLEMEN,

Havana, 14th August, 1837.

It being evident to us that in the clause (El Supremo Gobierno) inserted in the Certificates of emancipation, is comprehended that which it is proposed to substitute, viz. El Gobierno de S. M. C. d B., we have no particular objection that the alteration be made accordingly in future cases, since reference being made in the said Certificate to the Government to which the cruiser belongs that made the detention, which rectifies the quotation of the Treaty of the 28th June, 1835; it is beyond a doubt that the superior Government referred to is that of Her Catholic or His Britannic Majesty, to whichsoever the capturing vessel belongs. With which we reply to your official Letter of the 3d July last.

God preserve you many years.

(Signed)

EL CONDE DE FERNANDINA.
JUAN MONTALNO.

To E. W. H. Schenley, Esq., and R. R. Madden, Esq., British Judge and Arbitrator in the Mixed Court.

No. 94.

Viscount Palmerston to Her Majesty's Commissioners.

(Extract.)

Foreign Office, 18th September, 1837.

I HAVE received your Despatches to that of the 2d of June.
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In order to obviate the inconveniences which may arise from detaining the negroes on board the slave-vessels, until all the Forms of the Court are complied with, I have requested that Instructions may be issued by the Secretary of State for the Colonies to the British Superintendent, to take cognizance of each case as soon as the sentence is signed, and to do all in his power to alleviate the sufferings of the negroes during their unavoidable detention on board, by supplying them with clothing, nourishment, and medicine, without waiting, as in the case of the "*Empresa*," till the negroes are formerly made over to his care.

No. 95.

Her Majesty's Commissioners to Viscount Palmerston.—(Received November 3.)

MY LORD,

Havana, 31st August, 1837.

THE enclosed List contains the names of the slave-vessels that have reached our knowledge, as having sailed for and arrived from the Coast of Africa during the past month. The "*Trasibolo*," Captain Smaserick, under the Austrian flag, we are informed carried a considerable number of negroes from hence, destined for San José, a settlement upon the Coast of Africa. Forty-four of these persons are stated to be *free negroes*; and the declared object of this shipment is for the formation of a sugar and coffee plantation at the above place, the whole of the negroes being agriculturists.

We hail with unfeigned satisfaction the prospect of an industry being promoted upon the African shores, which, if successful, will strike deeply at the root of the inhuman Slave Trade, which at present desolates them.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

R. R. MADDEN.

Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 95.

List of Departures during the Month of August.

August	5th,	Portuguese brig	"Fortuna"	. . . . .	Cleared for	San Tomé.
"	19th,	Spanish schooner	"Famosa Estrella"	. . . . .	"	Isla del Principe.
"	21st,	American brig	"Teazer"	. . . . .	"	"
"	22d,	Austrian "	"Trasibolo"	. . . . .	"	Goree.

Arrival.

August 14th, Portuguese schooner "*Destemida*."

No. 96.

Her Majesty's Commissioners to Viscount Palmerston.—(Received November 3.)

MY LORD,

Havana, 13th September, 1837.

ON the 30th of August, Lieutenant Hunt, of Her Majesty's sloop "*Racer*," brought into this port, for adjudication, the Spanish merchant-schooner "*Antonica*," Geronimo Giscafne, Master. This vessel was detained by the "*Racer*," Commander James Hope, on the 7th of June last, while sailing under Portuguese colours, for having on board 183 African negroes for the purpose of being sold as slaves in this Island.

The necessary forms having been gone through, on the 6th instant the Mixed Court met to examine the Documents and Evidence in the Case; and, on the 11th sentence was signed, declaring the "*Antonica*" to be a good and legal prize to Her Majesty's sloop "*Racer*," condemning the vessel to be dealt with according to the stipulations of the Treaty, and that the 183 Africans are to remain free from slavery or captivity; also that the British Judge is "to make known to the proper Authorities that they ought to remit the descriptions of the said slaves in form, and upon oath, to this Mixed Court of Justice, which will assign to them their Cer-

ificates of Emancipation, which will be entered in the proper book in the Secretary's office."

We have the honour to transmit an Abstract of the Evidence and Copies of the Documents which were produced before the Court upon this trial. They consist of a Letter from Commander Hope to the Judges of the Mixed Court, detailing the circumstances of the capture; the Captor's Declaration; a Certificate of the necessity for landing the slaves; the Receipt of the *ad interim* Governor of the Bahamas, for 183 Africans belonging to the "*Antonica*;" the Letter of the Prize Master, at the time of bringing the ship's Papers into the Mixed Court of Justice; a Copy of the sentence, and a Copy of the communication addressed by the Acting Judge to the Lieutenant-Governor of the Bahamas, requesting to be supplied with the descriptions of the above negroes.

The circumstance of the capture of the "*Antonica*" having been made under the Treaty with *Portugal*, and the negroes dealt with according to the regulations approved by Her Majesty's Government in such cases, produced a temporary difference of opinion between the two Judges. The Spanish Judge asserted that a violation of the 4th Article of Annex A. had taken place by landing the slaves "without the permission of the Mixed Court of Justice," and he required that they should be brought forthwith to the Havana, whereas the British Judge is of opinion that the words, "or any other causes," contained in the 2d stipulation of the above Article, sufficiently cover the emergency, especially when "a Certificate, in proper form," of the necessity of the disembarkation, is produced before the Court, as in this instance; consequently, that Commander Hope had only committed an unintentional informality. We, however, respectfully take the liberty to suggest that a strict search ought to be prosecuted by Her Majesty's cruizers on board all vessels liable to the provisions of the Treaty; because, in many cases like the present one, the Spanish character would be at once ascertained; moreover, by obtaining possession of the Correspondence which they almost invariably carry, many circumstances would be brought to light highly important as regards the originators of these enterprizes, as well as the suppression of the traffic.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.

R. R. MADDEN.

Right Hon. Lord Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 96.

Abstract of the Evidence in the Case of the "Antonica."

6th September, 1837.

LIEUTENANT HENRY HUNT, of Her Majesty's brig "*Racer*," and Prize-Master of the slave-schooner "*Antonica*," being duly sworn, examined the Documents shown to him, and declared the first to be that delivered to him by Commander Hope to be placed in the hands of the Judges, and the second that which, as Prize-Master, he presented, in order that the adjudication might proceed, signed by him, and now ratified. That the other Papers or Documents also shown to him are those mentioned by Commander Hope in his Letter just recognised by deponent, and are as follows: 4 in the English language, 3 in Spanish, and 7 in Portuguese, making in all 14. That of the four first, one is the Declaration of the captor, the second a Certificate showing the necessity of landing the bozal negroes, the third the Receipt of the Acting Governor of Nassau for the bozal negroes, and the fourth the Inventory of the effects of the vessel. Of the three in Spanish, the first is the Muster-roll of the detained schooner, the second the Royal Passport, and the third the Contrasena. And of the seven in Portuguese, the first is the Log-book, which being well examined, is found to be written in Spanish; the second, the Bill of Health, in Portuguese; the third the Muster-roll; the fourth a Paper from the Custom-house, stating the vessel to be ready for sea, and comprising the attestation of the security; the fifth a Petition and Permission to perform the voyage; the sixth a Passport granted by the Government of San Pablo de Loanda, in the name of Her Most Faithful Majesty; and the seventh a Title-deed of ownership of the vessel. That having examined all these Papers carefully, deponent declares them to be the same Papers that were delivered to him by the capturing Commander to lay before the Mixed Court as necessary for the decision of the Case. That deponent left Commander Hope at Jamaica about the 15th August last, and came to this port without touching at any other place than Guayavon, which he was compelled to do in order to pump out the vessel, which was making a great quantity of water. That not having interfered with the negroes since he delivered them up he is ignorant as to how many may have died. That from the conversation of the detained Captain, and remarks made by him at different times, deponent suspected him of having Spanish Papers, and required him to give them up, which he agreed to do, whereupon deponent being convinced of their correctness, forthwith returned that he might deliver them to the Commander of the "*Racer*" himself, which, in fact, he did. That the above took place in the cabin, none other of the crew being present or cognizant of the facts.

Don Geronimo Giscasfre, native of the city of Malaga, a bachelor, by profession Mate, and actually

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Captain and First Mate of the Spanish schooner "*Antonica*," being duly sworn, deposed that he was brought to this port by Lieutenant Henry Hunt of the British Royal Navy, by order of the Commander of the English brig of war "*Racer*," Mr. James Hope, by whom he was detained off Cape Cruz on the south side of this island, for having bozal negroes on board. That he was detained on the 7th June last, having 183 slaves of both sexes on board. That he embarked the said 183 slaves in the River Congo, on the Coast of Africa, on or about the 29th April last, and that he was bound to Trinidad in this Island of Cuba. That he sailed from this port of Havana on the 30th June, 1836. That the cargo, which was registered in the Royal Custom-house, was composed of cotton goods, aguardiente, muskets, and some other effects; and that he sailed with Spanish Papers despatched by the *Comandancia General* of Marine of this Station. That the whole of his cargo was exchanged for the above-mentioned negroes, no part whatever remaining. That the Spanish Papers numbered from 1 to 3, viz. the Muster-roll, the Royal Passport, and the *Contrasena* are truly the Papers that he sailed with from Havana for the voyage out and back to Trinidad of this island. That when the "*Racer*," detained the "*Antonica*," he only delivered to the Commander the Portuguese Papers, in consequence of which he ordered the negroes to be landed at Nassau, which was done, and the Prize-Master pursued his voyage according to the orders of his Commander, during which the investigations and suspicions of this Officer obliged deponent to produce the said Spanish Papers, which remained in his possession until they rejoined the "*Racer*," when he delivered them to her Commander, Mr. James Hope. That he committed an error in not delivering to Commander Hope at the time of detention the Spanish Papers, but only the Portuguese, which he did, thinking he would not be detained; but, seeing his mistake, and acting in good faith, he could not do less than declare the truth to the Prize-Master in reply to his interrogatories. That the deponent is Captain and Super-cargo of the "*Antonica*," as already stated, and that the Owner is Don Manuel Ascora, although he has not at present the Deed of ownership, which he might find among his Papers. That deponent is 33 years of age.

José Freyne, a native of Passages, in the kingdom of Galicia, married, a seaman by profession, and actually Boatswain of the Spanish schooner "*Antonica*," being duly sworn, deposed that the "*Antonica*" was detained by Her Majesty's brig "*Racer*," Commander James Hope, off Cape Cruz, on the south side of this island, for having bozal negroes on board. That the captured schooner was sent with a Lieutenant of the English Navy and another Officer, whom he took to be a Midshipman, to Nassau, New Providence, to land the slaves, who were, in fact, landed. That the Spanish crew had already been taken on board the capturing brig, excepting only the Captain, a white man, whose name he does not recollect; a negro called José, and deponent, who remained on board the schooner. That they afterwards returned to Cape Cruz, in search of the brig-of-war, and not finding her, they went on to Jamaica, and on rejoining her there, the captor directed the English Officer who acted as Prize-Master to bring them on to this port. That there were 183 negroes alive at the period of detention, who were all left on the Island of New Providence, but he knows not if any of them died afterwards. That they were taken on board in the River Congo, on the Coast of Africa, to the above-mentioned number of 183. That they sailed from this port on the 30th of June last year with a cargo of cotton goods, aguardiente, gunpowder, and other articles, and with Spanish Papers. That the Captain gave him the situation of Boatswain. That they sailed direct to the River Congo. That as he cannot write, he knows nothing respecting the Papers, except that he heard on board that after embarking the negroes in the River Congo they went to San Pablo de Loanda to get Portuguese Papers, which were those presented to the Captor at the period of detention; but that after landing the negroes in New Providence the Spanish Captain gave up to the English Commander the Spanish Papers, which will be the same that were shown to him without his being able to distinguish or know them. That the negroes were purchased by the Captain, but he knows not who owns them. That no part of the outward bound cargo remained on board. That the detention was made in the month of June, and, to the best of his recollection, on the 7th day thereof, although he cannot be certain as to the date. That the negro José is not one of those taken on board in the River Congo, he having sailed from this port together with deponent as Page or Cook's Assistant.

Andrés Crucero, a native of Ferrol in the kingdom of Galicia, a bachelor, seaman by profession, and actually Steward and Cook on board the schooner "*Antonica*," being duly sworn, deposed that on the 7th of June last he was detained off Cape Cruz on the south side of this island, by the English brig-of-war "*Racer*," the schooner "*Antonica*" having on board 183 negroes, who were embarked in the River Congo on the Coast of Africa, on what day he does not exactly recollect. That the negroes were carried to Nassau, New Providence, by order of the Captor, where they were landed, and the "*Antonica*" returned to Cape Cruz, where they fell in with the schooner "*Tragamillas*," which was also detained for trading in slaves. That they went from thence to Jamaica, when the capturing Commander ordered the Lieutenant, Prize-Master, to bring them to this port for adjudication. That he supposes the reason they were not brought to this port at the time of detention was, that they sailed under Portuguese colours, but that being Spanish, and having sailed from this port of Havana with a cargo and Spanish Papers, as he understood, will, without doubt, have been the cause of the English Commander's sending them on here for trial. That after the negroes were purchased in the River Congo, he heard say that with Portuguese Papers the schooner could not be detained, and he is persuaded that for this reason the Captain and First Pilot went to Angola to obtain them. That he knows nothing more on the subject. That he has already stated that he can neither read nor write, but he understood on board the schooner that the Captain himself made known the circumstance of the Spanish Papers to the Prize-Master, who acquainted the capturing Commander thereof. That he is 28 years of age.

Second Enclosure in No. 96.

Commander Hope to the Mixed Court.

His Majesty's Sloop, *Racer*, 15th August, 1837. Port Royal.

MOST EXCELLENT SIR, AND GENTLEMEN,

I HAVE the honour to acquaint you that on the 7th June, I obtained the vessel named in the

Antonio, under Portuguese colours; bound to Trinidad, with 183 negroes.

Documents.

Declaration of Captor.
Certificate of the disembarkation of slaves.
Receipt for ditto.
Report of Survey on Antonio.
Portuguese Papers.
Spanish ditto.

margin, under the circumstances therein stated, and that I sent her to Nassau for the purpose of landing the negroes; giving Lieutenant Hunt, the Officer in charge, such directions as I at that time deemed calculated to insure his rejoining me when he should have discharged the service in question.

On the 31st July, when Lieutenant Hunt rejoined me, I found the Captain had Spanish Papers in his possession at the period of capture; and as, on examination, I have come to the conclusion that his Portuguese Papers are fictitious, I have therefore sent the vessel to the Havana for adjudication.

The Commission will not fail to observe the exceeding inconvenience which has accrued to His Majesty's Service from this want of ingenuousness on the part of the Captain, to whom at the day of capture I explained most fully the necessity which existed of producing Spanish Papers, if they were in his possession.

The vessel has been dealt with as a Portuguese up to the day on which I became acquainted with the fact of her being Spanish; a period of time amply sufficient for the termination of all proceedings relative to her at the Havana; and I esteem myself particularly fortunate in having taken the precaution of ordering her to rejoin me prior to her proceeding to Sierra Leone, which has saved me from incurring much additional inconvenience.

I transmit herewith the Documents drawn up at the period of her capture, Lieutenant Hunt being competent to make any affidavit which may be required, and such other Documents as are requisite for her condemnation.

I have the honour to be &c.

(Signed)

JAMES HOPE, *Commander.*

To his Excellency the Conde de Fernandina, and
the other Members of the Mixed Court of Justice at Havana.

Third Enclosure in No. 96.

Captor's Declaration in the Case of the "Antonica."

I, JAMES HOPE, Esq., Commander of His British Majesty's sloop "Racer," hereby declare that on this 7th day of June, 1837, being in or about latitude $19^{\circ} 15'$ north, and longitude $78^{\circ} 42'$ west, I detained the schooner named the "Antonica," sailing under Portuguese colours, and unarmed, commanded by José Victorio, *alias* Geronimo Giscafre, who declared her to be bound from the river Congo to Trinidad de Cuba, with a crew consisting of 15 men, 4 boys, no Supercargo, no passengers; whose names, as declared by them respectively are inserted in a List at foot hereof, and having on board 185 slaves, said to have been taken on board at the River Congo, on the 1st day of May, 1837, and are enumerated as follows, viz.

	Healthy.	Sick.
Men . .	90	"
Women .	0	"
Boys . .	62	"
Girls . .	33	"

I do further declare that the said schooner appeared to be seaworthy, and was supplied with a sufficient stock of water and provisions for the support of the said negroes and crew on their destined voyage to Nassau in the Island of New Providence.

(Here follows the List of the crew, in number 20.)

(Signed)

J. HOPE, *Commander.*

JOHN ROBERTSON, *Surgeon.*

ROBERT M. JEFFERY, *Purser.* } *Witnesses.*

Fourth Enclosure in No. 96.

Certificate of the Case of the "Antonica."

I, JAMES HOPE, Esq., Commander of His Britannic Majesty's sloop Racer, hereby certify that on the 7th day of June, 1837, being in latitude $19^{\circ} 15'$ north, and longitude $78^{\circ} 42'$ west, I detained the schooner named the "Antonica," sailing under Portuguese colours, and unarmed, commanded by Agoste José Victorio, *alias* Geronimo Giscafre, who declared her to be bound from the River Congo to Trinidad de Cuba, with a crew consisting of 15 men, 4 boys, no Supercargo, no passengers, and having on board 185 slaves, viz.

	Healthy.	Sick.
Men . .	90	"
Women .	0	"
Boys . .	62	"
Girls . .	33	"

I do further declare that, finding it necessary to disembark the whole of the said slaves before the vessel could arrive at Sierra Leone, to which place it was my intention to send her for adjudication on account of the length of the voyage to that place being such as to render it an unsafe one for their health, I did, on the 7th day of June, desire Lieutenant Hunt to disembark the said slaves at Nassau, in the Island of New Providence, at which place they arrived, and where they did remain.

(Signed)

J. HOPE, *Commander.*

JOHN ROBERTSON, *Surgeon.*

ROBERT M. JEFFERY, *Purser.* } *Witnesses.*

Fifth Enclosure in No. 96.

Bahama Islands, New Providence.

RECEIVED from Lieutenant Hunt, Royal Navy, the undermentioned negroes, being the cargo of the Portuguese slave-schooner "Antonica," captured by His Majesty's sloop "Racer," James Hope, Esq. Royal Navy, Commander, on or about the 7th of June instant, namely,—

Men . . .	85	
Boys . . .	86	
	—	150
Women . .	10	
Girls . . .	23	
	—	33
Total		183

Say one hundred and eighty-three.

Given in duplicate under my hand, at Government-house, Nassau, this 24th day of June, 1837.

(Signed)

JOSEPH HUNTER, *President,*
Administering the Government.

Sixth Enclosure in No. 96.

Lieutenant Hunt to the Mixed Commission.

GENTLEMEN,

CONFORMABLY with the third stipulation of Art. 3. to Annex A, of the Treaty of the 28th June, 1835, I have the honour to transmit to you the Papers which were found on board the slave-schooner, "Antonica," together with a Declaration of the Captor, &c., &c., which vessel, in consequence of the discovery of Spanish Papers on board, Commander Hope has despatched to the Havana under my charge, in order that she may be traduced before your tribunal.

Day of capture, 7th June, 1837. Same day sent on board the "Racer" the crew, with the exception of the men named in the margin, landed the slaves on the 24th June, since which, with the exception of provisioning the vessel, no change has taken place.

I beg to refer you to the Documents herein enclosed, bearing the signature of Commander Hope, for all further particulars.

(Signed)

HENRY L. HUNT,
Lieutenant in charge of the Prize.

P. S. On or about the 3d day of August, lost in Lucca Bay, in the Island of Jamaica, one small anchor and about half an hawser.

*To the Spanish and British Judges,
Mixed Court of Justice Havana.*

Seventh Enclosure in No. 96.

(Translation.)

Sentence in the Case of the Antonica.

IN the Always Most Faithful City of Havana, on the 11th day of September, 1837, the Most Excellent Señor Don José Maria Herrera y Herrera, Conde de Fernandina, Honorary Grandee of Spain of the first class, &c., &c., and Don Edward Wyndham Harrington Schenley, the first Spanish Judge by nomination, and the second Acting British Judge, in consequence of the absence of the Officer who holds the appointment, in the Mixed Court of Justice established in this city for preventing the subjects of either nation from engaging in the trade in slaves, in fulfilment of the Treaty issued at Madrid on the 28th June, 1835, between their Catholic and Britannic Majesties: having examined these proceedings instituted upon the detention which the English brig-of-war "Racer," Commander James Hope, made of the Spanish merchant-schooner "Antonica," Captain Don Geronimo Giscafre, on the 7th of June last, off Cape Cruz, on the south side of this Island of Cuba, in latitude 19° 18' north, and longitude 78° 42' west, and sent to Nassau, in the Island of New Providence, for the purpose of landing the negroes, whom in fact she disembarked, to the number of 183, as appears from the Receipt of the President administering that Government, and giving to the Lieutenant in the British Navy, Mr. Henry Hunt, who acts as Captain of the prize, such orders as at the time he considered proper, the schooner being considered at that period to be Portuguese, directing him to rejoin the "Racer" as soon as he should have performed the service he was engaged in, which Lieutenant Hunt accordingly did on the 31st July, when it was discovered that the Spanish Captain had Spanish Papers in his possession at the period of capture; on examining which, Commander Hope became convinced that the schooner "Antonica" was of Spanish register, and the second set of Portuguese Papers false, and he therefore sent the vessel before this Mixed Court of Justice for adjudication, the said 183 slaves remaining in the Island of Providence, although they ought to have been disembarked in this port alone to await the result of the detention, according to the Annex C. of the aforesaid Treaty, except in the cases therein referred to, or in case of necessity at the time, and until the sentence directs their delivery up to the Government to which the cruiser belongs that made the capture, under all the requisites and formalities prescribed. And it being fully proved by the Declaration of the Commander of the English brig-of-war, presented by Lieutenant Hunt on his arrival in this harbour, from his own, from that of the Spanish Captain, and those of other individuals of the crew of the detained schooner, that she sailed from this port of Havana on the 30th June, 1836, with Spanish Papers from the Comandancia General of Marine of this station, and a cargo registered in the Royal Maritime Customs-house for the Islands of Principe and St. Thomas, and that she sailed direct for the River Congo on the Coast of Africa, where she embarked the 183 negroes who existed on board at the period of detention, and were landed at Nassau, in the Island of New Providence, where they remain. And notwithstanding the neglect of order in respect of the provisions of the Treaty of the 28th June, 1835, taking into consideration the circumstances which have presented themselves during the proceedings, without making it a precedent in any other Case, the Judges agreed that they ought to declare, and hereby do declare, with all due regard to the merits of the Case, and according to the usual brief and summary mode of proceeding in all such cases, on the truth being made manifest, the capture of the above-mentioned schooner "Antonica," and the 183 bozal negroes, to be good and legal, the vessel being subject to condemnation, with all her rigging, stores, and whatever else may appear in her Inventory, except the above-mentioned 183 negroes remaining alive, who are hereby declared free from slavery and captivity.

And Commander James Hope, of the English brig-of-war "Racer," is advised that in future Cases the negroes are also to be brought to this port to be adjudged according to the Treaty; upon which subject the British Judge will address to him the necessary observations, as also that he shall make known to the proper Authorities that they ought to remit the descriptions of the said slaves in form and upon oath to this Mixed Court of Justice, which will assign to them their Certificates of emancipation, which will be entered in the proper book in the Secretary's Office, and he will be pleased to communicate to us the result. Whereupon the Judges order that the condemned vessel be broken to pieces, and that the fragments, with whatever other articles may belong to her, be valued by the principal Masters of the Royal Arsenal, sworn to fidelity, and that they be then sold at public auction, before the Notary, Don Manuel Fornari, and the proceeds applied according to the provisions of the Treaty, and the Instructions annexed thereto; the vessel being for the present placed in deposit with Don until these orders are executed, who shall likewise swear to be faithful, and shall receive her from the Prize-Master under formal inventory; that an Official Letter, with a certified Copy of these Proceedings, be addressed to his Excellency the Captain-General, the individuals of the crew of the schooner "Antonica" being placed at his Excellency's disposal. And by this their sentence definitely judging, thus the Judges provided, ordered, and signed, in the presence of the Secretary, who certifies.

(Signed) EL CONDE DE FERNANDINA.
EDWARD W. H. SCHENLEY.

Eighth Enclosure in No. 96.

Mr. Schenley to Colonel Cockburn.

SIR,

Havana, 20th September, 1837.

I HAVE the honour to acquaint you that on the 30th of August Lieutenant Hunt, belonging to Her Majesty's sloop "Racer," brought into the Havana the Spanish merchant-schooner "Antonica," which vessel was detained by the "Racer," Commander James Hope, on the 7th June last, while sailing under Portuguese colours, for having on board 183 African negroes destined to be sold into slavery in this Island.

I beg leave to forward to you a Copy of the sentence which has been signed by the Judges of the Mixed Court in this Case, wherein you will observe that the British Judge is called upon "to make known to the proper authorities that they ought to remit the descriptions of the said slaves in form, and upon oath, to this Mixed Court of Justice, which will assign to them their Certificates of emancipation, which will be entered in the proper book in the Secretary's Office."

As it is proved by the deposition of Lieutenant Hunt, and the receipt which he delivered into Court, bearing the signature of Joseph Hunter, Esq., *ad interim* Governor of the Bahamas, that these 183 negroes were landed from the "Antonica" at Nassau, on the 24th June last, I have to request that you will be good enough to cause me to be supplied with the above particulars, in order that the Certificates of emancipation may be duly executed here, and forwarded to you for distribution, agreeably with the stipulations of the Treaty of the 28th June, 1835, more especially the 13th Article, as well as Articles 5 and 6 of Annex C. to that Treaty.

I have the honour to be, &c.

His Excellency Colonel Cockburn,
&c. &c. &c.

(Signed) E. W. H. SCHENLEY,
Acting Judge.

No. 97.

Her Majesty's Commissioners to Viscount Palmerston.—(Received November 3.)

MY LORD,

Havana, 21st September, 1837.

WE have the honour to acquaint your Lordship that on the 19th current Her Majesty's ship "Comus," Commander the Honourable P. P. Cary, brought into this port the Portuguese schooner "Ingemane," which vessel was detained by the "Comus" with 82 bozal negroes on board, destined to be sold as slaves in this Island.

Captain Cary put into this port in the execution of his orders, but there being no indication whatever of the "Ingemane" being a Spanish vessel, he did not communicate officially with the Commissioners, and it is his intention to proceed in 2 days with his prize to Nassau, New Providence, for the purpose of landing the negroes, and condemning the slave-schooner as unseaworthy.

We have, &c.

(Signed) EDWARD W. H. SCHENLEY.
R. R. MADDEN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 98.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Nov. 3.)

MY LORD,

Havana, 23rd Sept., 1837.

ON the 21st ultimo, Her Majesty's Ship "Seringapatam," Captain Leith, arrived here, having under convoy the "Romney." On the 23rd we were honoured with the receipt of your Lordship's Dispatch and Enclosure of the 27th

of June last, acquainting us that this vessel had been selected by the Board of Admiralty as a hulk for the reception of negroes emancipated by the Mixed Court of Justice at the Havana, and desiring us that, although the particular service on which the "Romney" is to be employed is under the superintendence of Dr. Madden, we are not to fail to lend all the aid in our power to Lieut. Jenkin, the Officer who commands her, in the execution of his duties, and that the Commissioners are to avail themselves of the counsel both of Dr. Madden and Lieut. Jenkin in settling with the Captain-General the spot at which the hulk is to be stationed, and the place at which the depôt for the sick is to be established on shore.

We beg to refer your Lordship to our Despatch of 22d June, 1837, and we trust that the measures which we had the honour to report to your Lordship in that Despatch, relative to the above arrangements, have met with approval.

When the "Romney" entered the harbour, a Pilot carried her to her mooring ground, and the situation selected as a lazaret on shore was pointed out. Both these localities had been previously approved of by the Superintendent. On the 26th the Captain-General addressed a letter to the Commissioners, a copy of which we beg leave to enclose. Your Lordship will perceive that His Excellency objects in strong terms, and as contrary to law and Treaty, to the "remaining permanently within these shores" of the soldiers of the 2nd West India Regiment, who are doing duty on board the "Romney." He further demanded their immediate return to Nassau, and that, in the mean time, they should be prevented from landing, declaring that, in case they did, they would "necessarily be arrested."

As the Commissioners had not received any instructions relating to these soldiers, beyond the fact communicated to them in the copy of Lieut. Jenkins' orders, namely, that they formed a part of the crew ordered by Her Majesty to serve on board the "Romney," the Acting Judge considered it advisable to make known the contents of the Captain General's letter to Captain Leith, under whose especial charge the "Romney" was sent to the Havana, and likewise to Dr. Madden, in his capacity of Superintendent of liberated Africans. We beg leave to forward copies of this correspondence, as well as a copy of the reply made by the Commissioners to the Captain-General, transmitting to His Excellency the substance of Captain Leith's and Dr. Madden's letters to the Acting Judge.

In this latter document we purposely avoided entering upon the international question of the imprisonment of British soldiers, of whatever denomination, for merely landing upon the shores of a friendly power "to provide themselves with proper diet," in conformity with the regulations of their Government.

The Captain-General grounds his present opposition chiefly upon a Royal Order, dated at Madrid on the 12th of March last. We have no other official knowledge of this Royal Order, but we are assured that a law exists which prohibits the continuance of any free people of colour, not Spanish subjects, within the Colonial possessions of Her Catholic Majesty. For a length of time this law has ceased to be enforced, but the arrival of the "Romney," and the great excitement which has been caused by the presence on board her of a few of the 2nd West India Regiment, induced the Captain-General to recur to it, probably with an ulterior object, and it has been promulgated to the authorities, as well as the Royal Order of the 12th of March, with the severest injunctions for its observance. Already several of the unfortunate persons amenable to the severity of it have been placed in confinement until the means offered for their quitting the island, and unless some modification takes place, it will operate most cruelly upon many tranquil and industrious individuals.

Three weeks having now elapsed since our last official note was delivered to the Captain-General, we trust that the responsibility which Captain Leith fortunately felt authorized to take upon himself of prohibiting the soldiers from coming on shore from the "Romney," has set the matter at rest for the present.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.
R. R. MADDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 98.

The Captain General to Her Majesty's Commissioners.

GENTLEMEN,

By the official communications which have been made to me relative to the entrance into this

Havana, 26th August, 1837.

harbour of Her Britannic Majesty's ship-of-the-line "Romney," which is destined to serve as a floating deposit for the negroes arriving from Africa, during the period that they have been emancipated by sentence of the Mixed Court of Justice, and until they may be transmitted to their destinations, I have learned that on board her there are fifteen African negroes, soldiers, who have come from Nassau, and that, according to the relation of the officer commanding the said ship-of-the-line, Lieutenant Charles Jenkins, he expects another party of equal number. This novelty, contrary to the laws of these dominions, to the existing Treaties, to the Instructions which I have from my Government, and to the particular ordinances of the Police of Security of this island, exacts from me the duty to require that you will communicate the same to the officer who commands the ship-of-the-line hulk, that I consider it most highly inconvenient that the said negro soldiers, or any other negroes who may be included in her stationary crew, should, under any pretext whatsoever, remain permanently within these shores; that the good faith of the Treaties, and the security of the island, imperiously demand that they should be returned to the place from whence they have come, or be transmitted to some other of Her Britannic Majesty's dominions, without in the meanwhile being permitted to land; because in such case they will necessarily be arrested, for the reasons above expressed, as likewise in conformity with the Royal Orders of the 12th March last, in which I am charged not to permit in any manner the introduction of free negroes under the shadow of whatsoever pretext.

It remains only for me to assure you of my good disposition regarding the greatest and most punctual observance of the Treaty of the 28th June, 1835, together with the ulterior explanations of my Government, to which I shall give documentary information of this occurrence, without losing sight of the preferable object of preserving the order and security of the country.

God preserve you many years.

(Signed)

MIGUEL JACON.

The Commissioners of Her Britannic Majesty.

Second Enclosure in No. 98.

M. Schenley to Captain Leith.

SIR,

Havana, 28th August, 1837.

I HAVE the honour to forward to you the copy of a letter which has been addressed to Her Majesty's Commissioners by the Captain General relative to the removal from this island of the black soldiers who are at present on board the "Romney."

The Commissioners have no authority or instructions whatever to interfere with the establishment provided for this vessel, which however you may possess.

I shall therefore defer answering the Captain General until I am favoured with your reply.

I have the honour to be, &c.

(Signed)

E. W. H. SCHENLEY.

*To Captain Leith, Commanding
Her Majesty's Ship "Seringapatam."*

Third Enclosure in No. 98.

Captain Leith to Mr. Schenley.

SIR,

Her Majesty's Ship "Seringapatam," 30th August, 1837.

I HAVE to acknowledge the receipt of your letter of yesterday, and also a copy of a communication made to you by the Captain General of this island relative to the black troops of Her Britannic Majesty's 2nd West India Regiment, now serving on board Her Majesty's ship "Romney" as marines.

I am sorry that the arrival of these soldiers should have occasioned the excited feelings here that I understand it has, and I regret that the Captain General has taken a hostile view of this part of the arrangements for the "Romney" as to threaten to imprison some of the black troops found on shore, and requiring their immediate removal.

I have referred to my instructions for placing the "Romney" here as a depôt for African negroes captured by our cruizers, and I find that these troops remaining on board that ship is so material a part of the arrangement, that I cannot consent to their being removed. I beg, however, you will assure His Excellency the Captain General that until time is afforded for an explanation upon this subject between the Governments of Her Britannic Majesty and that of the Spanish Government, positive orders shall be given, and I will insure their being strictly attended to, that none of these said black soldiers now serving on board Her Majesty's ship "Romney" shall be allowed to quit that ship upon any pretence whatever, and that this order shall be given in consideration of the statement of the Captain General that their landing would be contrary to the laws of this island passed for its security.

May I hope you will assure His Excellency the Captain General of my high respect, and that I feel obliged for the very hospitable reception Her Britannic Majesty's ships under my orders received upon their entering this port.

I have the honour to be,

(Signed)

JOHN LEITH, Captain.

*G. W. H. Schenley, Esq.,
Her Britannic Majesty's Commissioner,
&c. &c. &c.*

Fourth Enclosure in No. 98.

Dr. Madden to Mr. Scheuley.

SIR,

Havana, 30th August, 1837.

I HAVE the honour to acknowledge the receipt of your letter, dated the 28th instant, enclosing a communication from His Excellency the Captain-General, "demanding the removal from this island of the black soldiers now on board the "Romney;" and stating "that the Commissioners had no authority to accede to or entertain the above demand," and calling on me, in my capacity of Superintendent, to furnish you with my sentiments on the subject.

In the first place, I think it necessary to state, that the fifteen coloured men on board the "Romney" are of the

CLASS A.

T

ney" are not placed there in the capacity of "Soldiers," but in the performance of the duties of Marines, and that His Excellency's objections to them there, in any capacity, is a circumstance, in my opinion, to be regretted, inasmuch as the weight of His Excellency's character gives an importance to these objections which might not otherwise attach to them.

These objections could not have been foreseen by our Government. The employment here of free negroes of foreign countries, namely, of American subjects of that class, in the steam-boats that ply in this port, between Havana and Regla, we see permitted. The service in which these Marines are employed, and that of the engineers' assistants, &c., may differ; but the class of persons engaged in both does not. The objection in the present case must, then, apply to those persons as attached to a particular service, and being the subjects of a particular power. My opinion is, that erroneous impressions have been given of the nature of this service, and of the kind of control to be exercised over those coloured men employed in it, as conveyed in the Instructions both to myself and the Officer in charge of them,—to me as respects the former, and to that officer as regards the latter.

These Instructions are to the extent of obviating every possible inconvenience to His Excellency, and of avoiding every risk to public order, in carrying into effect the objects of both Governments, namely, the safe custody and speedy removal of the negroes placed under my charge. In the fullest sense of the expression, fairness of purpose, the arrangements have been made which unfortunately prove objectionable to His Excellency. The class of men employed in a service so indispensable as this is, has been selected for one plain distinct object, the security of the negroes that may be placed on board the "Romney," conveyed to their final destination, and the charge of such as may be set apart for drafting into our Colonial service. For the performance, in short, of the duties of a specific nature, sanctioned by both Governments, and which purpose can only be perverted from its plain meaning by those interested in the defeat of any object intended to restrain a traffic that is condemned, but has not ceased to prosper. For this service the men are peculiarly fitted by constitution and adaptation to the climate. If an equal number of white men were sent out from England for the same duties, destined to be immured in a hulk for one year in this port—nay, even for one season, from June to September, disease and death would render the service they should be employed in absolutely impracticable. The coloured men chosen for it can resist the climate: they can be better kept in subjection in such confinement as this kind of service necessarily imposes than white men; they can be more easily kept from drunkenness and, consequently, from disorder; their knowledge of the language and habits of those received on board is a great advantage where the pursuits of all in charge of them must leave them in entire ignorance of both. For these reasons I beg to state most distinctly, they have been chosen in preference to white men.

I freely admit, if they were suffered to be at large on shore, disorders might probably happen, and reasonable objections might be raised on this score. Captain Leith's assurance, however, if any other were wanting, that they shall not be allowed to leave the ship, must remove all doubts on this head. Therefore, as our Government could not have anticipated the objections raised to the employment of a number of men barely sufficient for the service they are required for, and of a class employed in our service throughout our Colonial empire, as they are somewhat similarly in this city, my hope is, that His Excellency's objections may be removed on a full and honest explanation of the circumstances of the selection of these men, chosen expressly for their discretion and good conduct for this service. But should these objections unfortunately remain unremoved, in deference to His Excellency, whose opinions are entitled to every consideration, and whose only interests are the public good, I shall feel it my duty to state His Excellency's objections to the Department I have the honour to serve under, as Superintendent; and any misintelligence that now exists on this subject, I have no doubt will be satisfactorily cleared up without loss of time. Therefore, till the decision of both Governments be known, there can be no reasonable objection, I apprehend, that the men now on board the "Romney" should remain; and should the others arrive before there is time for me to apprise the General in command at Barbadoes of the objections that have been raised, that they shall likewise be received on board the "Romney," subject to the same conditions as those at present are till the question is definitively settled.

But till that decision, whether as Commissioner or Superintendent, it is not competent for me to give any assent to the removal of persons in Her Majesty's Service, employed in the performance of duties indispensable to the execution of the Treaty.

E. W. H. Schenley, Esq.,
&c. &c. &c.

I have the honour to be, &c.
(Signed) R. R. MADDEN.

Fifth Enclosure in No. 98.

Her Majesty's Commissioners to the Captain-General.

Havana, 30th August, 1837.

THE Undersigned, Commissioners of Her Britannic Majesty, have the honour to refer to His Excellency the Captain-General's official letter of the 26th current, demanding that the British soldiers belonging to Her Majesty's 2nd West India Regiment, who have been ordered to perform the duty of Marines on board Her Majesty's ship "Romney," hulk, should be returned to Nassau.

The Commissioners not being entitled to interfere with the establishment which Her Majesty's Government has thought it expedient to place on board the "Romney," they addressed a letter upon the subject to Captain Leith, of Her Majesty's Navy, the officer who has been charged with the arrangements respecting this vessel.

They beg leave to forward to His Excellency a copy of Captain Leith's reply, as also the copy of a letter which Her Majesty's Superintendent of liberated Africans has addressed to the Acting Judge upon the same subject. The Commissioners anxiously trust that these documents may prove satisfactory to the Captain-General, and they hope it is unnecessary for them to assure His Excellency that the present difficulty was never for a moment contemplated by their Government.

The soldiers in question are in the highest state of discipline, and, together with their commanding officer, have been selected expressly for this service, a preference being given for this description of force, most probably on account of their greater efficiency in tropical climates.

The Commissioners feel convinced that when the Captain-General reflects how frequently vessels containing from six to seven hundred slaves have been brought into this port for adjudication, the

numerical force which has been assigned to the "Romney" will not appear more than barely sufficient for the performance of the duties of the ship, and for the maintenance of order and regularity.

Her Majesty's Government have not failed to impress in the strongest terms upon the officer who commands the "Romney," and which extends to all connected with her, that it is his duty not only to conform to the general regulations of this local government, but by every means in his power to acquire the good opinion and respect of the public authorities of the Havana.

His Excellency the Captain-General,
&c. &c. &c.

The Undersigned beg leave, &c.,
(Signed) E. W. H. SCHENLEY,
R. R. MADDEN.

No. 99.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Dec. 15.)

MY LORD,

Havana, 30th September, 1837.

THE following are the lists of such vessels as have come to our knowledge as having sailed for and arrived from the Coast of Africa during the past month, viz.:

Arrivals.					
September 8th	Spanish	Schooner	Primira Union	Captain —	Pey.
" 12th	Portuguese	"	Felix	"	J. Victorio.
" 19th	"	"	Dido		
Departures.					
September 9th	Portuguese	Schooner	Vestemida,	cleared for San Pablo de Soanda.	
" 16th	"	Brig	Ligero	"	Rio Congo.
" 19th	"	"	Camoes	"	Isla del Principi.
" 23rd	"	Schooner	Oposicion	"	San Pablo de Soanda.
" 26th	"	"	Sirca	"	Cabo Verde.
" 30th	"	"	Felix	"	Ditto.

The "Dido" have been denounced to the Captain-General, forms the subject of another Despatch.

We have, &c.
(Signed) J. KENNEDY.
EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 100.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Dec. 15.)

MY LORD,

Havana, 1st October, 1837.

WE have the honour to enclose copies of a correspondence which has passed between Her Majesty's Commissioners at this place and the Captain-General of Havana, respecting a slave vessel, the "Dido," which, though Spanish property by repute, and manned entirely by Spaniards, entered this Port on the 19th September last, under Portuguese colours, after having landed, a few days previously, upon the Coast, upwards of 400 Africans, to be sold as slaves.

This circumstance Her Majesty's Commissioners felt it their duty to denounce to His Excellency the Captain-General, who, in his answer (which must be pronounced evasive in the extreme) does not attempt, as your Lordship will perceive, to dispute the accuracy of any of the facts detailed, while, at the same time, however, he appears, somewhat peremptorily, to require that no more such cases be denounced.

It is but seldom that Her Majesty's Commissioners can hope to receive information of such conclusive character as Mr. Schenley did in this instance, on which they may rely; but should they have it in their power, they would not hesitate, notwithstanding the Captain-General's suggestion to the contrary, to bring every such case officially before his notice, as well as before that of Her Britannic Majesty's Government.

We have, &c.
(Signed) J. KENNEDY.
EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 100.

*Her Majesty's Commissioners to the Captain-General.**Havana, 20th September, 1837.*

THE undersigned, Commissioners of Her Britannic Majesty, have the honour to acquaint His Excellency the Captain-General, that they feel it their duty to report to Her Majesty's Government the arrival in this Harbour, yesterday, of the slave schooner "*Dido*," after having landed a few days since, upon the Coast of this Island, upwards of 400 Africans to be sold as slaves.

The "*Dido*" entered the Port under the protection of the flag of Portugal, but the whole of her crew are stated to be subjects of Her Catholic Majesty.

The Undersigned avail themselves, &c.

(Signed)

E. W. H. SCHENLEY.

R. R. MADDEN.

To His Excellency the Captain-General.

&c.

&c.

&c.

Second Enclosure in No. 100.

(Translation.)

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, 24th September, 1837.

Your communication of the 20th instant, relative to the entrance into this Port of the schooner "*Dido*," under Portuguese colours, after having landed on the Coasts of this Island more than 400 Africans, and whose crew is said to be Spanish, I referred to the Commandant-General of Marine of this station, who has addressed me, under date of yesterday, as follows:—

"MOST EXCELLENT SIR,

"In consequence of the official letter addressed to your Excellency by the Commissioners of Her Britannic Majesty, respecting the arrival in this Port of the slave schooner '*Dido*,' under Portuguese colours, I have to state to your Excellency, that the Marine Department has no right of intervention in cases of Foreign vessels, since the enrolment and management of their papers pertains to the respective Consuls of each nation, in accordance with their laws, which will determine what number of Foreigners may be received among the crew of each, and which is not known to the authorities of the Marine Department, its interference with Foreign vessels being no other than the security that Spanish subjects who sail in them embark with the necessary guaranties, namely, the report of the respective Consuls, the Passports or Licenses of the Spanish authorities, and the competent permits to sail in Foreign vessels to the seamen soliciting them, and who are not prevented by the necessity of serving in turn on board our vessels of war; which permits are general, without naming the vessel or destination, which, as I have already stated, is the business of the respective Consuls, as well as expressing in their papers the number of Foreign seamen to be received; consequently, the Marine Department has no more to do than to disembark such as may have furtively shipped, if the case were urgent, and if not, for better regulation, it ought to solicit Your Excellency's Decree, as Judge of the Foreigners: all which I state to Your Excellency in reply."

And I transcribe it to you, Gentlemen, in reply to your before-mentioned communication, and in order that you may refer to it in all similar cases that may occur in future with Foreign vessels.

God preserve you many years.

(Signed)

MIGUEL JACON.

To the Commissioners of Her Britannic Majesty.

No. 101.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Dec. 15.)

(Extract.)

Havana, 1st October, 1837.

WE have the honour to acknowledge the receipt of your Lordship's Despatch, dated the 14th August last, on the case of the Spanish vessel, the "*General Laborde*."

Your Lordship need not be informed that the course to the Coast of Africa, on account of the trade winds, is almost as direct by way of Cadiz as by any other; and, consequently, if carrying a few goods or passengers to Cadiz may protect a vessel, whose ultimate destination is unquestionably the coast of Africa, every vessel will take advantage of it, and proceed to Cadiz for their outfit.

No. 102.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Dec. 15.)

MY LORD.

Havana, 10th October, 1837.

WE have the honour to enclose copies of a correspondence which has passed between us and Lieutenant Jenkin, commanding Her Majesty's Ship

"Romney," stationed at this place, relative to a negro, who had secreted himself on board that vessel, and whom Lieutenant Jenkin had given up to the local authorities.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 102.

Lieutenant Jenkin to Her Majesty's Commissioners.

GENTLEMEN,

Her Britannic Majesty's ship "Romney," Havana, 5th October, 1837.

I HAVE the honour to acquaint you with the following occurrence which took place on board Her Majesty's ship "Romney," under my command, on Tuesday, the 3rd of October, in the afternoon.

A boat with the parties who had been appointed by the Mixed Commission to break up the condemned schooner "Antonica" came on board the "Romney," and, it appears, brought with them a negro, who did not return with the boat, but secreted himself on board this ship. About half an hour after the boat had left the ship, it was reported to me that a person was on board who objected to quit the ship.

On my making the necessary inquiry into his situation and condition, I learnt from himself that he was a slave belonging to the Havana, who had escaped from his Mistress to avoid punishment, and that he sought protection on board Her Britannic Majesty's ship.

My instructions strictly inculcating that I should cultivate a good understanding with the authorities, and in no way authorising me to afford the sought for protection, I immediately placed the slave under the charge of an officer, to deliver him over to the authorities of the Havana, from whom I have received a paper acknowledging the receipt of the slave in question.

I have the honour to be, &c.

(Signed)

CHARLES JENKIN.

To Her Majesty's Commissioners,

Mixed Court of Justice, Havana.

Lieutenant and Commissioner.

Second Enclosure in No. 102.

Her Majesty's Commissioners to Lieutenant Jenkin.

SIR,

Havana, 9th October, 1837.

WE have the honour to acknowledge having received your Note dated the 5th instant, informing us of a slave belonging to the Havana having secreted himself on board Her Majesty's ship "Romney," stationed at this Port, under your command, and we have no hesitation in expressing our opinion that Her Majesty's Government will approve of your conduct in immediately giving him up to the local authorities, as being at the same time fully in accordance with your instructions, and also as avoiding a dangerous subject of dispute, to entrup you into which it is not improbable that the man was sent by certain persons in this place.

We have the honour to be, &c.

(Signed)

J. KENNEDY.

E. W. H. SCHENLEY.

To Lieutenant Jenkin, commanding Her Majesty's ship "Romney."

No. 103.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Dec. 15.)

MY LORD,

Havana, 28th October, 1837.

WE have the honour to inform your Lordship that on the 14th instant, Her Majesty's Sloop "Ringdove" detained the Spanish Schooner "Vencedora," for having on board, concealed, twenty-six bozal negroes. The Mixed Court of Justice met to receive the evidence on the 19th instant; and on the 23rd and 24th, the two judges having consulted together, and not being able to agree as to the sentence, they drew lots, as directed by the Treaty, to have the case decided by arbitration, when the lot fell on the Spanish arbitrator.

Since then, the captor, Captain Nixon, having forwarded to Her Britannic Majesty's Judge some additional evidence, he demanded a further hearing of the case, which was acceded to by the Conde de Fernandina, Her Catholic Majesty's Judge.

The Court has not yet met again, and the decision, as well as the particulars of the case, therefore, must remain for the next Despatch.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

The Right Hon Viscount Palmerston, G.C.B.

&c.

&c.

&c.

RIO DE JANEIRO.

No. 104.

His Majesty's Commissioners to Viscount Palmerston.—(Received May 4.)

MY LORD,

Rio de Janeiro, 1st February, 1837.

WE have the honour to enclose a statement of the intercourse between this port and the Coast of Africa during the month just closed.

The result is that 6 Portuguese and 1 Brazilian vessel sailed from this port for Africa, and that 1 American and 10 Portuguese vessels arrived thence.

We have, &c.

(Signed)

ROBERT HESKETH.

The Right Hon. Viscount Palmerston, G.C.B.

FRED. GRIGG.

&c.

&c.

&c.

First Enclosure in No. 104.

Arrivals at Rio de Janeiro from the Coast of Africa, during the Month of January, 1897.

Date of Arrival.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	Number of Crew.	Where From.	Passage Days.	Reported Nature of Cargo.	Remarks.
January 1	Brig . .	Gertrudes	M. E. Foster	American	148	9	Angola	24	Ballast	Under Observation of Police. Put in Quarantine.
" 2	"	Onze de Marco	J. A. Resende	Portuguese	344	23	"	31	Ditto	
" 4	"	D. M. de Portugal . . .	P. J. de Abreu	"	180	12	"	44	Ditto	
" 7	Brigantine	Andrimha	P. H. da C. Mendonca	"	90	12	"	38	Ditto	
" 8	Schooner .	Flor de Loanda	F. de Silveira	"	90	12	"	32	Ditto	
" 13	Brigantine	Dous de Abril	A. C. Rocha	"	140	10	"	32	Ditto	Under Observation of Police. In Quarantine in consequence of the death of 3 Seamen.
"	Brig	Relampago	J. F. Madena	"	140	12	"	37	Wax and oil	In Quarantine, in consequence of the death of a Seaman.
" 15	Brigantine	Eliza	J. A. de Cunha	"	85	9	Angola and Ambris	37	Ballast	
" 18	Brig	Leao	B. F. de Veiga	"	200	12	Angola	70	"	
" 22	"	Rio Tua	G. J. da Motta	"	120	9	"	35	"	
" 29	"	Deligencia	M. M. Mergu	"	160	12	"	27	"	

(Signed) ROBERT HESKETH.
FRED. GRIGG.

Second Enclosure in No. 104.

Departures from Rio de Janeiro for the Coast of Africa, during the Month of January, 1897.

Date of Departure.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	Number of Crew.	Where Bound.	Reported Nature of Cargo.	Remarks.
January 7	Brig	Jupiter	A. J. Pacheco	Portuguese	154	19	Angola	Brandy Goods.	General. " Goods & Brandy " "
" 8	Schooner .	Ferneza	A. M. Barros	"	160	13	"	General.	
" 11	Brig	29 de Maio	F. M. Marintz	"	164	12	Lisbon, via Loanda .	"	
" 13	Brigantine	Flora	M. M. de Amorim . .	Brazilian .	82	12	Angola	"	
" 18	"	Luiza	F. F. dos St. Serra . .	Portuguese.	138	17	Angola and Benguela	Goods & Brandy	
" 19	Brig	Tijo	J. G. Lima	"	117	14	Angola	"	
" 29	Barque . .	Maria Carlota	J. X. Drumond	"	287	19	"	"	

(Signed) ROBERT HESKETH.
FRED. GRIGG.

No. 105.

His Majesty's Commissioners to Viscount Palmerston.—(Received May 4.)

MY LORD,

Rio de Janeiro, 27th February, 1837.

THE Enclosure is one of the daily Rio newspapers, which we have the honour to transmit, as it contains the Royal Decree, dated Lisbon, 10th December, 1836, for the abolition of the Slave Trade.

On enquiry, we are informed that this highly important and interesting Document has been published by the Editor of the "*Jornal do Commercio*," which is not the Official or Government Paper, and that he copied it from the Lisbon newspapers.

We have, &c.

(Signed)

ROBERT. HESKETH.
FRED. GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 105.

(Jornal do Commercio, February 27, 1837.)

No. 106.

His Majesty's Commissioner to Viscount Palmerston.—(Received May 17.)

MY LORD,

Rio de Janeiro, 18th March, 1837.

THE transaction which is the subject of the Despatches addressed to your Lordship on the 24th December and 25th January last, has advanced a step, namely, that, on the 25th February, the jury at Mangaratiba found matter of accusation against the "*Juiz de Paz*," for having received a bribe for the giving up of 38 new blacks to the importer. The jury consisted of 23 persons, only 1 of whom signed the verdict as dissentient.

This information is published as an anonymous advertisement in the "*Jornal do Commercio*" of the 17th instant, which I beg leave to enclose, with a translation of the article in question.

It is uncertain whether the article has proceeded from a personal enemy to the "*Juiz de Paz*," or from an individual hostile to the Slave Trade. But the occurrence is of importance in itself, and will, no doubt, be more so in its consequences, inasmuch as the whole body of Justices of the Peace may be expected to guide themselves, in such transactions, by the ultimate result of the present Case.

I have, &c.

(Signed)

FRED. GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 106.

Extract from the Jornal do Commercio of March 17, 1837.

(Translation.)

ADVERTISEMENT.

THE jury have assembled in this town of Mangaratiba, on the 25th February last. Under the Presidency of the most worthy Judge ("de Direito") Joaô Antonio de Miranda, there was brought before the First Council the process in which the law is plaintiff and Antonio Luiz Vieira defendant, for the crime of having received, in the capacity of Justice of the Peace, 2,200 rs., for having given up 38 unhappy new Africans, whom he had apprehended on the 14th November last year, whose decision (that of the jury) is annexed; and it is proper to say, that of 23 jurymen, only one signed as dissentient ("Vencido")!! And the accused having appeared at the bar of the tribunal to be judged, the Second Council ("O Segundo Consolho") could not be formed, and the business was therefore adjourned. Whenever it may be tried, he (the Justice of the Peace) will be punished as he deserves, according to the nature of the crime.

(Signed)

A CONSTANT READER.

DOCUMENT.

I, Francisco Luiz de Avila, Notary Public in affairs of Law, &c. in this town of Mangaratiba, do certify that, referring to the Acts in page 91, there is the following decision:—

"The jury found matter of accusation against the defendant, Antonio Luiz Vieira, only for the crime of having received a bribe."

Hall of the Sessions of the First Council of the Jury, this 28th February, 1837.

Signed by 22 persons absolutely, and by Antonio Felipe de Oliveira, "Vencido," or dissentient.

No. 107.

His Majesty's Commissioner to Viscount Palmerston.—(Received May 17.)

MY LORD,

Rio de Janeiro, 22d March, 1837.

I HAVE the honour to enclose a statement of the intercourse between this port and the Coast of Africa during the month of February last.

The result is, that 6 Portuguese and 1 Brazilian vessel arrived here from Africa, and that 5 Portuguese and 1 Brazilian vessel sailed for that destination. Of the last-mentioned Portuguese vessels 3 cleared out for Africa and the Cape Verde Islands.

I have, &c.

(Signed)

FRED. GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&.

&c.

First Enclosure in No. 107.

Departures from Rio de Janeiro for the Coast of Africa, during the Month of February, 1837.

Date of Departure.	Description.	Name of Vessel.	Name of Master.	Nation.	Number of Crew.	Where bound.	Reported Nature of Cargo.	Remarks.
Feb. 13	Brig	Pompeo	J. S. Lopes	Portuguese	155	Cape Verde, <i>viâ</i> Angola	General	
"	Schooner	Josephina	J. G. Mendonça	"	121	"	"	
" 18	Barque.	Feijo	J. F. de F. Pereira	Brazilian	160	Angola.	Brandy and Goods.	
" 20	Brig.	Brilhante	M. F. de Castro	Portuguese	150	Goa, <i>viâ</i> African Ports	General	
"	Schooner	Joaosinho.	M. J. Esteves	"	96	Agola and Ambris.	"	
" 23	"	Flor de Rio	M. M. Antonio	"	120	Cape Verdes, <i>viâ</i> African Ports	"	

(Signed) FRED. GRIGG.

Second Enclosure in No. 107.

Arrivals at Rio de Janeiro from the Coast of Africa, during the Month of February, 1837.

Date of Arrival.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	Number of Crew.	Where from.	Passage.	Reported Nature of Cargo.	Remarks.
Feb. 1	Brig.	Marquis de Pombal	A. L. Seia	Brazilian	185	14	Angola	Days. 31	General	In Quarantine, in consequence of the Death of a Passenger.
"	Smack	Treze de Junho.	F. F. Guimaraens	Portuguese	103	15	Benguela	26	Wax & Oil.	
" 5	Schooner	I. de Outubro	F. de P. Sodre	"	100	13	Angola	34	Ballast	
" 7	Smack	Henriqueta	M. J. Martins	"	66	12	"	33	"	
" 16	Brig	Flor de Quilimane	A. J. de Almeida	"	150	13	Quilimane	77	"	Detained by Police.
" 24	"	Mercurio	J. J. de Silva.	"	190	16	Angola	34	"	Under Observation of Police.
" 28	"	Jehovah	J. F. Baptista	"	160	13	"	40	"	

(Signed) FRED. GRIGG.

No. 108.

His Majesty's Commissioner to Viscount Palmerston.—(Received June 15.)

MY LORD,

Rio de Janeiro, 5th April, 1837.

IN the absence of His Majesty's Commissary Judge, and of his representative *ad interim* in the Court of Mixed Commission, I have the honour to acknowledge the receipt of your Lordship's Despatch of the 27th of January last, enclosing, for the information of the Commissioners, the Translation of a Decree, issued at Lisbon, on the 10th of December, 1836, for the abolition of the Slave Trade throughout the Portuguese dominions.

The Despatch which the Commissioners had the honour of addressing to your Lordship on the 27th of February, recorded the republication, on that day, of the original Decree in the unofficial newspaper, "O Jornal do Commercio;" and it is the more incumbent on me to thank your Lordship, in the name of the Commissioners, for the Translation, as its publication in the London Gazette extends its official character, and will, it is to be hoped, hasten and extend the good effects which the Decree ought to have in the general repression of the Slave Trade.

I have, &c. &c.

(Signed)

FRED. GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 109.

His Majesty's Commissioner to Viscount Palmerston.—(Received June 15.)

MY LORD,

Rio de Janeiro, 5th April, 1837.

I HAVE the honour to enclose a statement of the intercourse between this port and the Coast of Africa during the month of March last.

Your Lordship will observe, that that period comprises as many as 15 arrivals and 9 sailings, being a great and lamentable increase on the intercourse in January and February, and that all the 24 vessels are Portuguese.

I would also beg leave to call your Lordship's attention to two circumstances, viz., that a passenger on board of the brig "Reis," from Africa, in all probability a slaving-vessel, is described as Thomas Belham, a British subject; and that the barque "Commodore," another of the arrivals, was under the American flag only a very short time before she sailed for Africa, and was notoriously purchased and fitted up for the Slave Trade, on account of her superior sailing, and being calculated to bring 500 slaves at a time. Indeed, it is generally believed that upwards of that number of slaves were landed from the "Commodore," as near to the city as Botafogo Bay.

I have, &c.

(Signed)

FRED. GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 109.

Departures from Rio de Janeiro for the Coast of Africa, during the Month of March, 1831.

Date of Departure.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	Number of Crew.	Where bound.	Reported Nature of Cargo.	Remarks.
March 1	Brig	Relampago ..	J. A. de A. Vianna	Portugal.	140	18	Cape Verdes, via African Ports.	General.	
" 8	Brigantine	Rio Tua	G. J. de Motta .	"	130	19	"	"	
" 11	Schooner	Flor de Loanda	M. A. F. Barbosa	"	133	17	Cape Verdes, via Benguela.	"	
" 12	Brigantine	Andorinha...	P. H. C. Mendonca	"	86	13	Cape Verdes, via African Ports.	"	
" 14	"	Triumpho ...	S. dos Anjos ...	"	78	13	"	"	
" 16	Smack	Pombinha ...	J dos Santos...	"	Not stated.	16	"	"	
" 18	Brigantine	Ascanio	T. J. de Mendonca	"	123	16	"	"	
" 23	"	Eliza	F. de P. Sodre...	"	88	17	"	"	
" 28	Smack	Treze de Junho	F. J. Menezes ..	"	113	16	Bengue'a . . .	"	

(Signed)

F. GRIGG.

U 2

Second Enclosure in No. 109.

Arrivals at Rio de Janeiro from the Coast of Africa, during the Month of March, 1887.

Date of Arrival	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	Number of Crew.	Where from.	Passage.	Reported Nature of Cargo.	REMARKS.
March 2	Brigantine	Pallas	M. D. J. G. Pena .	Portuguese.	148	17	Angola	31	Ballast .	Under Observation of Police, one Seaman missing.
"	"	Liberal	J. B. A. Távares . .	"	140	13	"	38	"	In Quarantine in consequence of the death of the Master.
"	"	Aurora	J. P. C. de Abreu . .	"	120	10	"	62	"	Under Observation of the Master, Mate, and one Seaman being missing.
"	Brig	Esperança	M. P. de Santos . .	"	250	13	"	37	"	Under Observation in consequence of three of the crew being missing.
"	Brigantine	Recuperador	L. J. Coelho	"	70	14	"	30	"	Detained by Police.
"	Brig	Ceres	M. T. Dias	"	220	16	Mosambique . .	85	"	In Quarantine in consequence of fever on board.
"	Brigantine	Reis	J. T. de Abreu	"	90	13	Benguela	83	"	Under Observation, Passenger, Thomas Belham, a British subject.
"	Brig	Príncipe Augusto	M. E. A. de Souza .	"	180	16	Angola	27	"	Detained by Police.
"	Brigantine	Pensamento Feliz	J. A. da Silva	"	80	10	Benguela	38	"	
"	Barque . .	Lisbonense	M. da Costa	"	250	17	Mosambique . .	86	"	
"	"	Commodore	V. J. dos Santos	"	217	21	"	60	"	
"	Brig	Navegante Feliz	J. B. Cunscho	"	150	12	Angola	35	"	Detained by Police.
"	"	Heroína	L. J. Maria	"	80	9	"	"	"	
"	"	Fortuna d'Africa	J. B. Marquez	"	200	10	"	40	"	
"	"	Triumpho da Inveja	M. J. Brandão	"	200	12	Quilimane	80	"	

(Signed)

FRED. GRIGG.

No. 110.

His Majesty's Commissioner to Viscount Palmerston.—(Rec. June 15, 1837.)
 MY LORD, *Rio de Janeiro, 5th April, 1837.*

I BEG leave to enclose the "Correio Official" of the 4th instant, with Translations of Minutes of Despatches from the Department of Justice to the President of this Province and the Minister for Foreign Affairs, enjoining the execution of the Law of the 7th of November, 1831, for the repression of the illegal traffic in slaves.

I have, &c.
 (Signed) FREDERICK GRIGG.
The Right Hon. Viscount Palmerston, G.C.B.
 &c. &c. &c.

Enclosure in No. 110.

(Translation.)

Précis.

DESPATCH to the President of the province of Rio de Janeiro, that, notwithstanding the contents of his Despatch of the 22d of last month, addressed to the Department for Foreign Affairs, and a Copy of which was transmitted to this Department, in regard to the difficulties of opposing the criminal contraband of Africans, yet that it is incumbent on the President to redouble his vigilance in order to discover and punish the transgressors of the Law of the 7th November, 1831, the observance of which is of much importance to the credit and dignity of the Government, which cannot omit to reiterate the previous orders on this subject.

DESPATCH to the Minister for Foreign Affairs, in answer to his communication of the 16th of this month, that the orders previously given in respect to the criminal contraband of Africans have been sent to the President of the province of Rio de Janeiro enjoining the punishment of the transgressors of the Law of the 7th November, 1831.

No. 111.

His Majesty's Commissioner to Viscount Palmerston.—(Received June 15.)
 MY LORD, *Rio de Janeiro, 8th April, 1837.*

I HAVE the honour to enclose "O Jornal do Commercio" of this date, containing a Despatch of the 5th instant from the Chargé d'Affaires of Portugal, and the Decree, Lisbon, 10th December, 1836, for the total abolition of the Slave Trade throughout the Portuguese dominions.

Upon this subject injunction and notoriety abound, and it is to be hoped that, ultimately, the great and humane object will be attained.

I have, &c.
 (Signed) FREDERICK GRIGG.
The Right Hon. Viscount Palmerston, G.C.B.
 &c. &c. &c.

Enclosure in No. 111.

O Jornal do Commercio, April 8, 1837.

No. 112.

*Viscount Palmerston to His Majesty's Commissioners.**Foreign Office, 15th July, 1837.*(Circular.—See *Sierra Leone General*, No. 4.)

No. 113.

His Majesty's Commissioners to Viscount Palmerston.—(Received July 26.)
 MY LORD, *Rio de Janeiro, 17th May, 1837.*

WE have the honour to enclose a statement of the intercourse between this port and the Coast of Africa during the month of April last; the arrivals being 11 vessels, all Portuguese, and the sailings 6 vessels, 5 Portuguese and 1 Brazilian.

We have, &c.
 (Signed) ROBERT HESKETH.
 FREDERICK GRIGG.
The Right Hon. Viscount Palmerston, G.C.B.
 &c. &c. &c.

First Enclosure in No. 113.

Arrivals at Rio de Janeiro from the Coast of Africa, during the Month of April, 1837.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Ton- nage.	No. of Crew.	Where from.	Passage. Days.	Reported Nature of Cargo.	Remarks.
April 10	Brig . .	Dous Innas . .	J. C. de Azevedo .	Portuguese	240	11	Angola . .	40	Wax and Oil.	In Quarantine, in consequence of the death of the Mate and Cook. Detained by Police. In Quarantine. Detained by Police.
" 12	Barque .	Constante . .	J. A. de Almeida .	"	230	14	" . .	42	Ballast.	
" 15	Brigantine.	Paquete de Loanda .	A. S. de Avillar .	"	130	16	" . .	38	"	
" 16	"	Lcaldade . .	J. M. Batalha . .	"	100	13	" . .	30	"	
" 17	Brig . .	Asseicura . .	J. P. Ferreira . .	"	150	14	" . .	85	"	In Quarantine, in consequence of the death of the Master and one seaman.
" 18	Barque .	Carolina . .	F. P. Pinheiro . .	"	280	24	Quilimane . .	70	"	
" 23	Snack . .	Zenobia . .	M. J. da Silva . .	"	78	6	Benguela . .	38	"	
" 23	Brigantine.	Doze de Outubio .	A. L. da Costa . .	"	184	9	" . .	"	"	
" 27	Schooner .	Ligeira . .	J. J. Bispo . .	"	80	12	" . .	70	"	In Quarantine, in consequence of the death of the Master and one seaman.
" 28	Barque . .	Resolução . .	L. J. do Couto . .	"	280	14	Angola . .	51	"	
" "	Schooner .	Triumphante . .	F. dos Ss. Azevedo	"	116	12	" . .	50	"	
" "	"	"	"	"	"	"	"	"	"	

Second Enclosure in No. 113.

Departures from Rio de Janeiro for the Coast of Africa, during the Month of April, 1837.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Ton- nage.	No. of Crew.	Where bound.	Reported Nature of Cargo.	Remarks.
April 2	Brigantine.	Eliza	F. de P. Sodre . .	Portuguese	88	17	Cape Verdes, <i>viâ</i> African Ports.	General . . .	Put back on the 28th of March, and sailed again.
" 8	Barque . .	Quatro de Marco .	J. J. do Rego . .	"	248	21	Goa, <i>viâ</i> African Ports .	"	
" 23	Brigantine.	Dous de Abril . .	J. da Silva . .	"	131	12	Cape Verdes, <i>viâ</i> African Ports.	"	
" 29	"	D. Ml. de Portugal .	M. J. P. Negrom .	"	200	13	Angola	"	
" 30	Brig	Marquez de Pomal .	A. L. Seia	Brazilian .	185	18	Lisbon, <i>viâ</i> Angola . .	"	
" "	"	24 de Julho	M. dos Ss. Rocha .	Portuguese	235	29	Mosambique . . .	"	

No. 114.

His Majesty's Commissioners to Viscount Palmerston.—(Received July 26.)

MY LORD,

Rio de Janeiro, 24th May, 1837.

HEREWITH we beg leave to transmit to your Lordship the Report of the late Minister for Foreign Affairs, Senhor Antonio Paulino Limpo de Abreu, to the General Legislative Assembly, together with a translated Extract of the same Document, relating to the Slave Trade with Brazil, and to the measures recommended and in progress for its repression.

The Report in question having been just published, we are obliged to defer some observations thereon till the next opportunity.

We have, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

Enclosure in No. 114.

Extract from the Report of the Minister for Foreign Affairs.

(Translation.)

Brazilian and English Commission.

THIS Commission, created in virtue of the Additional Convention of the 29th July, 1817, and forming part of that of the 23d November, 1826, has not at present judged any Case of contraband of Africans. It would be satisfactory in the extreme if the Imperial Government could state to you that that pernicious contraband had ceased or diminished; but, unhappily, this has not occurred in either case. The Minister of His Britannic Majesty, in the execution of the duty of promoting the fulfilment of the Convention referred to, has shown to the Imperial Government that, in various parts of this province of Rio de Janeiro, there are markets for those unfortunate beings, and that, in this respect, flagrancy has reached the point of there being a company of merchants which insures the vessels intended for so immoral a speculation. The Imperial Government, animated by the most sincere desire to extirpate this shameful contraband, has not only ordered inquiry into such facts, but has not ceased to send the most positive orders to the provincial Authorities to proceed against the delinquents in conformity to the Law of the 7th November, 1831. The result, however, of this attention and of the judicial proceedings has been nul: the delinquents meet with sympathy and protection among a large proportion of the inhabitants, who deem the introduction of Africans as a benefit to labour, and thus escape the punishment to which they would otherwise be subject.

The Imperial Government has repeatedly brought under the cognizance of the Portuguese and British Governments representations showing that the Portuguese flag served to protect the contraband of Africans. The Government of Portugal has recently promulgated a Decree, which it ordered to be communicated by its Chargé d'Affaires at this Court, and which may contribute to discourage the traffickers in human flesh; but, as the provisions of that Decree may still be insufficient, it would be requisite that the sale of Brazilian and foreign vessels, becoming the property of Portuguese subjects, and to sail, under the flag of their nation, for the Coast of Africa, should be regulated so as to exclude the possibility of their being employed in such traffic.

Here it is proper to remind you of the necessity of taking a determination in regard to the Articles additional to the Convention of the 23d November, 1826, which were signed on the 27th July, 1835, by the Ex-Minister, Senor Manoel Aloes Branco, and the British Envoy, Mr. Fox. By the operation of those measures, and the adoption of others, which your sentiments of philanthropy may suggest to you, efficacious means may be found of repressing a contraband which so greatly dishonours humanity and the degree of civilization which we have happily attained.

While it is painful to have to declare to you the continued introduction of Africans into Brazil, I much rejoice to apprise you that the Colonization Societies established at this residence and in Bahia have made the most praiseworthy efforts in order that free, industrious, and orderly emigrants may come to the empire. The Imperial Government, aware of the usefulness of these societies, has recommended to its Diplomatic and Consular Agents that, on their part, they facilitate as much as possible such emigration; and they have contributed every assistance and good office for the successful result of the measures adopted in this interesting undertaking.

No. 115.

His Majesty's Commissioners to Viscount Palmerston.—(Received August 22.)

MY LORD,

Rio de Janeiro, 14th June, 1837.

WE have the honour to transmit to your Lordship the Official Paper of this date, with a Translation of part of its contents, being a Despatch of the 6th instant, from the Minister of Justice, who is also Minister for Foreign Affairs, *ad interim*, to a Justice of the Peace of a district of this city.

By the Despatch in question the Police is ordered to detain vessels arriving from "the East" (the Coast of Africa) for 3 days, and the Justice of the Peace is ordered, in the name of the Regent, to apply to the Portuguese Consul-General, and to proceed with him, and with the "Guarda Mor" of the Custom-house, on board of such vessels, and to examine and report whether they appear to have

been engaged in the transport of Africans in contravention of the Law of the 7th November, 1831.

While addressing our previous Despatch to your Lordship it was our impression that credit was due to the executive for having resisted the numerous municipal applications, in the Session of 1836, for the repeal of the Law above mentioned. The present measure serves to confirm our opinion, but we are not without apprehension that the Legislature may still withhold the effective assistance which it would be so desirable that it should contribute towards the *bonâ-fide* execution of the various measures for the repression of this nefarious traffic.

We shall not omit to inform your Lordship of what may occur on the subject.

We have, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 115.

The Minister of Justice to a Justice of the Peace.

(Translation.)

Department of Justice.

Palace, 6th June, 1837.

It being requisite to adopt new measures in regard to the visits and examinations which are practised on board of the vessels arrived from the Coast of the east, in order that the orders of the Government in respect to the faithful and exact fulfilment of the Law of the 7th November, 1831, may not be eluded, and the Chief of the Police having been ordered that, on the arrival of any one of the vessels referred to, he cause her to be detained for 3 days and apprise you thereof, the Regent, in the name of the Emperor, Don Pedro II., orders that, upon your receiving such communication, you do apply officially to the Consul-General of Portugal, in order that, on the second day of the detention, and at the hour which you will point out to him, he do repair on board of the vessel having arrived, in order to proceed to the examinations, which, according to the existing laws of his country, it is incumbent on him to make; and that you, acting on the same occasion, accompanied by the Surveyors whom you will require from the Inspector of the Arsenal of Marine, and having previously applied to the "Guarda Mor" of the Custom-house that he be also present at the same hour, do proceed on the proper examinations, drawing up a minute of the whole, to be signed as well by the Surveyor as by the aforesaid "Guarda Mor."

The Government hopes that you will very scrupulously endeavour to discover all the indications which may prove the transport of Africans in contravention of the law referred to, in order that the abuse of the continuation of so inhuman a traffic, which is so scandalously notorious, may not go on.

God preserve you.

(Signed)

FRANCISCO GE ACAYABA DE MONTEZUMA.

*The Justice of the Peace of the First District
of the Parish of Santa Rita.*

No. 116.

His Majesty's Commissioners to Viscount Palmerston.—(Received August 22.)

MY LORD,

Rio de Janeiro, 15th June, 1837.

WE have the honour to enclose a statement of the vessels that arrived at this port from the Coast of Africa, and of those that sailed hence for that destination during last month.

The arrivals were 7, all Portuguese. The departures were 10, viz., 9 Portuguese and 1 Brazilian.

We have, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 116.

Arrivals at Rio de Janeiro from the Coast of Africa, during the Month of May, 1897.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	No. of Crew.	Where from.	Passage.	Reported Nature of Cargo.	Remarks.
May 1	Brig	Ontario	J. F. Rosa	Portuguese	240	19	Angola	Days. 40	Ballast	Detained by Police.
" 7	Brigantine.	Esperança	A. J. Rocha	"	160	12	"	36	General.	Detained by Police.
" 13	Brig	Dous Amigos	A. J. Machado	"	200	15	Mosambique	72	Ballast	In Quarantine, in consequence of the death of 3 of the crew.
" "	"	Venus	F. X. Moraes	"	280	15	"	72	"	In Quarantine, in consequence of the death of the Mate.
" 16	"	Joven Africana	D. J. H. da Silveira	"	180	15	Angola	42	"	In Quarantine.
" 23	"	General Cabreira	A. V. Bony	"	168	14	"	37	"	Detained by Police.
" 30	Schooner	Felicidade	J. N. Lobo	"	92	15	"	32	"	

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

Second Enclosure in No. 116.

Departures from Rio de Janeiro for the Coast of Africa, during the Month of May, 1897.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	No. of Crew.	Where bound.	Reported Nature of Cargo.	Remarks.
May 5	Brigantine.	Liberal	J. G. da Cunha	Portuguese	183	19	Cape Verdes, via Angola	Brandy and Goods.	
" 11	Brig	Principe Augusto	A. R. Chaves	"	180	19	"	General.	
" 21	Brigantine.	Saquete de Loanda	A. S. de Avelar	"	200	16	Cape Verdes, via African Ports.	"	
" 22	Smack	Henrique	M. J. Machado	"	76	14	"	"	
" 23	Brigantine.	Orestes	A. A. O. Botelho	"	193	19	Angola by Benguela	"	
" "	Schooner	Andolinha	J. J. de Abreu	"	95	15	Cape Verdes, via African Ports.	"	
" "	Brig	Aventureiro	L. J. Maria	"	204	23	"	"	
" "	Brigantine.	Jacuby	A. J. Monturo	"	89	12	"	"	
" 29	"	Ribeiro	V. J. Bette	Brazilian	175	13	Angola	Brandy and Goods.	
" 30	Brig	Luzitano	A. A. de Lima	Portuguese	255	23	Mosambique	General.	

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

No. 117.

His Majesty's Commissioners to Viscount Palmerston.—(Received August 22.)

MY LORD,

Rio de Janeiro, 19th June 1837.

YOUR Lordship is aware that the Deputy, Senhor Vasconcellos, after having, at one period, advocated measures for the repression of the Slave Trade, at another, and particularly towards the close of the Session of 1836, became one of the most strenuous advocates for the repeal of the Law of the 7th November, 1831.

In the present Session, Senhor Vasconcellos has been the first to revive the subject, and we think it right to transmit to your Lordship a Translation of his speech, on the 17th instant, as reported in a newspaper of this date.

We shall not omit to attend to whatever may occur on this subject, having the honour to be, &c.

We have, &c.

(Signed)

ROBERT HESKETH.

The Right Hon. Viscount Palmerston, G.C.B.

FREDERICK GRIGG.

&c.

&c.

&c.

Enclosure in No. 117.

(Translation.)

From "O Jornal do Commercio," 19th June, 1837.

Senhor Vasconcellos, speaking to order, desired to make a very simple requisition, which he should not even reduce into writing. Last year he presented a project for the repeal of the Law of the 7th November 1831, which was referred to a Committee, which had not yet given any opinion, either approving of, or rejecting, the project, wherefore he requests that the President do now invite the noble Members of the Committee to report their opinion. He does not intend, at present, to demonstrate, at any length, the utility of his project, and he confines himself to saying that it is his favourite, as a certain representation, of the 24th October, is the favourite of the noble Deputy, Senhor Limpo de Abreu. (Laughter.) He does not know who are the Members of the Committee, or otherwise he would already have applied to each separately; wherefore he begs that his Excellency, the President, will invite the illustrious Committee to present their Report, after hearing him, if they would do him that favour.

No. 118.

His Majesty's Commissioners to Viscount Palmerston.—(Received .)

MY LORD,

Rio de Janeiro, 1st July, 1837.

WE have the honour to enclose a statement of the vessels that arrived at this port from the Coast of Africa, and of those that sailed hence for that Coast, during last month.

The arrivals are 3, the departures as many as 10—the whole Portuguese.

We have, &c.

(Signed)

ROBERT HESKETH.

The Right Hon. Viscount Palmerston, G.C.B.

FREDERICK GRIGG.

&c.

&c.

&c.

First Enclosure in 118.

Arrivals at Rio de Janeiro from the Coast of Africa, during the Month of June, 1897.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage of Crew.	Where from.	Passage.	Reported Nature of Cargo.	Remarks.
June 1	Brig	Experiencia	M. F. da Silva	Portuguese.	140	Benguela	Days. 41	Ballast	In Quarantine.*
" 7	"	Felicidade	Not stated	"	"	Angola	30	{ Oil, Mats, Wax, and Ivory.	{ Although this vessel is stated to have a various Cargo, she arrived here with ballast only.
" 16	Barque	Maria Carlotta	J. X. Drumond	"	250	"	26	General	Detained by Police.
" 22	Brig	St. Domingos Eneas	J. J. Ribeiro	"	155	"	36	Ballast	In Quarantine.

* This was the first Vessel surveyed on her arrival according to the new Instructions, the correctness of which report of survey was, we understand, questioned, and the subject of representation to the Government.

(Signed) ROBERT HESKETH.
FRED. GRIGG.

Second Enclosure in 118.

Departures from Rio de Janeiro from the Coast of Africa, during the Month of June, 1897.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage of Crew.	Where bound.	Reported Nature of Cargo.	Remarks.
June 4	Brig	Jehovah	A. V. de Almeida	Portuguese.	227	Angol	Brandy and Goods	
" 5	"	Diligencia	M. M. Mergu	"	150	Cape Verdes via Angola	"	
" 5	Schooner	Andorinha	J. A. Viera	"	93	"	"	
" 9	Brigantine	Jachuchy	A. J. Monteiro	"	89	"	General.	{ Sailed on the 29d May, and put back on the 30th.
" 9	Brig	Dous Irmas	G. J. dos Santos	"	22	Cape Verdes via African Ports	Brandy and Goods.	
" 11	"	Generoso	J. A. do Conto	"	204	Goa and African Ports	"	
" 22	"	Ontario	J. F. Rosa	"	240	Angola	General.	
" 22	"	Triumphante	J. P. O. Bastos	"	315	Goa, via African Ports	"	
" 24	Brigantine	Caridade	M. A. M. Carvalho.	"	120	Cape Verdes via African Ports	Brandy and Goods.	
" 26	Brig	Dous de Fevereiro	J. B. Camacho	"	150	"	"	

No. 119.

His Majesty's Commissioners to Viscount Palmerston.—(Received August 22.)

MY LORD,

Rio de Janeiro, 2d July, 1837.

WE beg leave to transmit to your Lordship the Official Paper of the 30th June, and "O Jornal de Commercio" of the 1st instant, with a translated Extract from the latter.

By the Official Paper, your Lordship will observe, that, on the 12th June, the Minister of Justice, being also Minister for Foreign Affairs, *ad interim*, addressed a Despatch to the President of the Province of Bahia, and to the Presidents of the other Maritime Provinces of this empire, ordering the examination of vessels arriving from the Coast of Africa, in the manner detailed in the Despatch which we had the honour of addressing to your Lordship on the 14th June.

The "Jornal do Commercio" above-mentioned contains a Report of a proposition of the Marquess Barbacena to the Senate, on the 30th June, for the abrogation of the Law of the 7th November, 1831, and for the substitution of other measures for the repression of the Slave Trade.

Your Lordship will have seen by our Despatch of the 19th June, that the Deputy, Senor Vasconcellos, applied, in the Chamber of Deputies, for a Report of the Committee on a project, presented by Senor Vasconcellos in the Session of 1836, for the repeal of the same Law.

In this way an opposition to the measures of the Government, on this head, is formally instituted in both Chambers, and it is matter of considerable interest how these important proceedings will end.

We shall not omit to apprise your Lordship of what may occur, having the honour, &c.

(Signed)
The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

ROBERT HESKETH.
FREDERICK GRIGG.

Enclosure in No. 119.

(Translation.)

Session of the Senate, 30th June, 1837.

The Marquis BARBACENA, Senor, President.

THE experience of 6 years has shown to us that the Law of the 7th November, 1831, very far from having put an end to the Traffic in Slaves, as was then and is still ardently desired by the Legislative Body, appears, on the contrary, to have been a powerful stimulus to the energy, adroitness, and success of the class of merchants which is particularly engaged in the importing of slaves.

In the first two years after the Law the importation was very inconsiderable, inasmuch as means had not been found of eluding examination at the ports of arrival and departure; neither were various deposits established for the reception of slaves and the teaching of the Portuguese language; nor was there a multitude of brokers employed in taking slaves to each estate to tempt the innocence of the planters. As soon, however, as all this machinery was in action, the importation began to increase to such a degree, that it may well be said, without fear of exaggeration, that it has been, within the last three years, much greater than it ever was while the commerce was open and lawful. If the Legislature acquiesces that the impulse given to this contraband traffic continue in the accelerated motion which it has acquired, Brazil will be very soon, not the imitator and rival of civilized nations, but the imitator and rival of the Coast of Africa.

An evil, Gentlemen, is almost always accompanied by many other evils. Thus the horrible crime of the importers of slaves found support in our agriculturists, who, beginning by purchasing slaves, whom they suppose to be instructed, inasmuch as they spoke, more or less, Portuguese, and deriving great profit from this reinforcement through the constant high price of our produce, and, in particular, of coffee, did not hesitate afterwards to purchase as many as came, instructed or not, yielding to the irresistible desire, natural to all, to preserve and increase their own fortune. In the mean while, what may not happen to be the baneful result of this infraction of the law? The General Legislative Assembly, which, with so much political foresight, applied itself to the termination of the Traffic in Slaves, will be able, with equal foresight and beneficence, to apply itself to the condition of the agriculturists. Far be it from me to eulogize those who knowingly infringed the Law, but I confess, ingenuously, that there never was an infraction of a law presenting such plausible reasons for being excused, if not forgiven, as this infraction committed by the agriculturists of Brazil. They say, ingenuously and with truth, not having free labourers, as indeed we have not, to substitute for slaves, the necessary consequence will be that of diminishing, annually, and with extraordinary rapidity, the produce of our farms, inasmuch as sickness, old age, and mortality, make an end of the largest army, when not recruited. It is hard that we should be condemned to involuntary poverty; but, as the Government so determines, let it take its own measures that slaves be not landed in Brazil, and content itself therewith. To require that the agriculturists should not purchase slaves, when they are brought to their doors—when means are often wanting of knowing whether the slaves are contraband or not, is to require more than humanity can do.

Who is there who does not feel the force of this reasoning? In truth, Gentlemen, to reject present advantage, in order to avoid a great prospective evil, befits Statesmen, the Legislators of the Empire, but is far above the comprehension of the mass of mankind. I shall not, I repeat, eulogize those who infringe the Law, for it would be better to have immediate recourse to the right of Petition, of which some of the Municipal Chambers have lately availed themselves, but I shall boldly maintain that, if

there be circumstances under which reason and policy counsel the oblivion of crime, never could they be more imperious than in regard to that of which I am speaking. They are not Brazilians, either turbulent or revolutionary, aiming, by force of arms, to overthrow the Government and the Constitution, as some have intended to whom an amnesty has been granted,—they are peaceful landlords, heads of respectable families, men replete with industry and virtue, who promote public and private prosperity by their labour, and who doubly deserve the complete oblivion of the infraction which they have committed.

Knowing perfectly well the sentiments of the Senate, inasmuch as I have had the honour of a seat in this Assembly from the very day of its installation, I will not be so unjust as to occupy your longer attention to the most urgent necessity of re-casting the said Law of the 7th November, 1831, into another Law, containing enactments more ample and more effective—enactments, which, rendering the importation of slaves difficult and almost impossible, may not injure the lot of the agriculturists. They deserve the greatest security in regard to the constant, absolute, and perfect enjoyment of their property; and the Senate, by duty, by honour, and by inclination, will always endeavour to promote and accomplish such security in the greatest possible extent.

Impelled by these reasons, and by many others, which will not escape your perspicacity and discernment, I have made a Project of Law, which I humbly offer to your consideration.

I do not rely on my own ability, but on the cause which I defend.

(The Marquis then read the following Project of a Law.)

The General Legislative Assembly decrees—

ARTICLE 1.

The importation of slaves and of free blacks into the territory of Brazil is prohibited.

ARTICLE 2.

This prohibition does not comprehend—

1. Slaves enrolled in the service of ships of any nation whatever, provided that the identity of the individuals be verified by the Passport, the Muster Roll, and the other Papers of each vessel.

2. The slaves, who may return from one province of the empire to another, whether after having escaped or gone away with the consent of their Owners, provided that such circumstances be proved by attestations of the police, or the local authorities.

ARTICLE 3.

Brazilian vessels found in any port, or foreign vessels found in the ports, harbours, or anchorages of Brazil, having on board slaves or free blacks, not excepted in Article 2, shall be apprehended and considered as importers of slaves. Vessels, in which there are found signs of being intended for the Traffic in Slaves, shall be, independently of other proofs, also apprehended, and considered as having effected, or endeavoured to effect, the importation of slaves into Brazil.

ARTICLE 4.

The indications of being intended for the Traffic in Slaves are the following:—

1. Hatchways, with open gratings, instead of closed hatches, according to the practice of merchant vessels.

2. Divisions or bulk heads (“*antiparos*”) in the hold or on deck, in a greater number than are necessary for vessels employed in lawful commerce.

3. Extra planks, prepared to form a second deck for slaves.

4. Collars, chains, or manacles.

5. A greater quantity of water, in casks or tanks, than is necessary for the use of a merchant vessel.

6. An extraordinary quantity of casks for holding liquids. The Master not producing a certificate from the Custom-house, showing that the Owners of such ships gave suitable bond that the casks should be used solely for receiving palm oil, or for other purposes of lawful trade.

7. A greater number of mess-trays, or buckets, than is necessary for the use of the crew of a merchant-vessel.

8. A boiler of extraordinary size, and greater than is necessary for the use of the crew of a merchant-vessel, or more than one boiler of ordinary size.

9. An extraordinary quantity of rice, flour, mandioca, beans, or jerked beef, beyond what is necessary for the use of the crew of a merchant-vessel; such provisions not being declared in the manifest as part of the cargo for commerce.

ARTICLE 5.

Those are guilty of the crime of importing slaves, and of attempting such importation, viz., the Captain or Master, the Mate and Second Mate of the vessel, and the Supercargo, for the voyage. Those who aid the landing of slaves, or free blacks, in the territory of Brazil, or who assist in concealing them at sea, or in withdrawing them in any other way from the cognizance of the public authority, or from being apprehended.

ARTICLE 6.

Those who commit this crime shall suffer the punishment of banishment from 3 to 5 years, to the Island of Fernando de Noronha, and besides shall be condemned jointly and held bound each for the other (“*in solidum*”) for the expenses of the re-exportation of the slaves, or free blacks, to the ports whence they came, such expenses to be fixed by arbiters.

ARTICLE 7.

The vessels importing, or employed in importing, slaves, shall be confiscated, with all their appurtenances and the cargo found on board. The boats employed in landing, concealing, or withdrawing the slaves, or free blacks, and taken in this service, shall also be confiscated.

ARTICLE 8.

The proceeds of the cargo, ships and boats taken, shall be applied to the benefit of the captors, deducting one quarter for the informers, if there be any, and towards the expenses which may be incurred in the apprehension. The ships and boats shall be broken up and sold in separate parts immediately after the condemnation.

ARTICLE 9.

All the slaves, or free blacks, who shall be apprehended, either on the high sea or on the coast, before disembarkation, shall be re-exported, at the charge of the Government, to the ports whence they came, or to any other port of Africa, which may appear to the Government to be more convenient; and, until they be re-exported, they shall be employed in labour, under the safe guard of the Government, as at present.

ARTICLE 10.

No passports shall be granted to merchant-vessels, for the ports of the Coast of Africa, till their Owners, Captains, or Masters, shall have signed an engagement not to receive on board of the same any slave, the Owner giving bond in a sum equal to the value of the ship and cargo, which bond shall be cancelled when the ship under bond shall not have been apprehended, or denounced, within the space of 18 months.

ARTICLE 11.

The ships, Brazilian or Foreign, despatched from the ports of Brazil for the ports of Africa, and those vessels which may be suspected, or denounced, as being bound thither, without being despatched, shall be examined, on the day of their departure, by one of the principal Officers of the Custom-house, who shall allow them freely to depart on not finding on board anything raising a suspicion that they are intended for the commerce in slaves.

On finding things inducing suspicion, and indicating that the ship is about to be employed in the Traffic in Slaves, such things shall be taken as contraband, and the persons interested in the ship, the Captain or Master, the Pilot and Shippers, shall be subject to the penalties of contraband.

ARTICLE 12.

Nothing can be received on board of the ship after the visit.

ARTICLE 13.

The Judges (*"de Direito"*) are obliged, *ex officio*, to judge in the first instance, subject to an appeal to the *"Relação,"* in regard to all the crimes enumerated in the present Law.

ARTICLE 14.

No action can lie against those who shall have bought slaves after their disembarkation; and the Law of the 7th November, 1831, and all other Laws to the contrary, are revoked.

Palace, Senate, 30th June, 1837.

Laid upon the table, to be printed, for the purpose of being brought forward, in the order of business.

No. 120.

His Majesty's Commissioners to Viscount Palmerston.—(Received Sept. 14.)

MY LORD,

Rio de Janeiro, 5th July, 1837.

IN pursuance of the 75th Clause of the Act passed in the 5th year of the Reign of His late Majesty George IV., entitled "An Act to Amend and Consolidate the Laws relating to the Abolition of the Slave Trade," we beg leave to report to your Lordship that no vessel has been brought into this port, for adjudication by the Mixed British and Brazilian Court of Commission established in this city, between the 5th January, 1837, and the present date.

We have, &c.

(Signed)
The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

ROBERT HESKETH.
FREDERICK GRIGG.

No. 121.

His Majesty's Commissioners to Viscount Palmerston.—(Received October 7.)

MY LORD,

Rio de Janeiro, 9th August, 1837.

WE beg leave to inform your Lordship that, according to a statement in the "*Jornal do Commercio*," of this day, the Imperial corvette "*Regeneracao*," Captain Frederico Mariath, which arrived here yesterday from Para, captured, off the Island of Tamaracá, the Portuguese schooner "*Eugenia*," from Angola, having found her equipped for the Slave Trade, and that there was every appearance that she had just landed slaves.

A crew from the corvette was put on board the schooner, and they sailed in company to 8° south latitude, when the corvette came on to this port, where her prize is daily expected.

We have, &c.

(Signed)
The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

ROBERT HESKETH.
FREDERICK GRIGG.

No. 122.

His Majesty's Commissioners to Viscount Palmerston.—(Received October 7.)

(Extract.)

Rio de Janeiro, 9th August, 1837.

WE are induced to lay before your Lordship the following statement, being confident that the local experience and nautical skill of Her Majesty's Officers on the African station will as readily detect any deceptive or impracticable suggestion as they will appreciate any advantages which may be derivable from the information.

The embarkation of negroes has diminished on the Western Coast of Africa,

but has greatly increased on the Coast of Mozambique. To intercept the slavers on the Western Coast, the employing of armed boats is recommended, for the reconnoitring of the rivers and the capturing the vessels that may be found therein, which, it is stated, are generally small and not well armed.

On the coast of Mozambique the slave-vessels are larger, of superior construction, well manned and navigated; while those trading to the Havana are besides well armed. On this part of the coast the slave-dealers now make their purchases, in general, with merchandize in lieu of specie, and they frequent the ports of Inhamban, Sofala, Quillimane, and Zanzibar, as well as Mozambique. The Bars of Inhamban and Quillimane being dangerous, require the assistance of a Pilot; and slavers arriving off these ports anchor, and fire guns during the night, as signals for Pilots. Cruizers at anchor, or under weigh in the offing, after dark, can thus be aware of the arrival of slave-vessels. At Sofala the insurrections of the negroes are said to occasion a great hinderance at present to slave-dealers, but at Quillimane there is a great and increasing trade. To intercept vessels sailing from Inhamban and Quillimane, it would be of advantage if a vessel were anchored close in shore to windward of the entrance of each port, and "hull down;" the slave-vessels being obliged on leaving to haul their wind to clear shoals, which being once weathered, the Mozambique Channel is open to them, with a strong favourable current.

A cruizer off Mozambique could send in her boats and ascertain what vessels are in the harbour, which could be blockaded by a force sufficient to intercept slavers, whether arriving or departing. The same might be done at Zanzibar, both these ports being frequented by slave-dealers, for the assorting or disposing of their merchandize, with reference to the ulterior and illegal shipment of negroes.

After clearing the ports with their cargoes of wretched human beings, the slave-dealers are said to steer down the Mozambique Channel, close to the African shore; and those bound for Brazil generally make the Cape of Good Hope, whereas those going to the Havana, which are better armed and navigated, round the Cape more to the southward.

With regard to the points on the Coast of Brazil at which the landing of slaves is usually effected, a great number of negroes are landed at Ilha Grande, situate in about 23° 20' south latitude, on the Coast of the Province of San Paulo, at 2 estates ("Fazendas"), one on the northern, and the other on the southern part of that Island, and also at a third estate situated on the Main, and a little to the northward of Parati.

The vessels while landing approach those points by daylight, but haul off at night on account of danger from sudden squalls; keeping under sail off "Barra de Garroso." To capture such vessels a cruizer should keep out of sight during the day, to the northward of Ilha Grande; and at night approach the entrances to the northward and southward of that Island where the slavers will be found.

No. 123.

His Majesty's Commissioners to Viscount Palmerston.—(Received October 7.)

MR. LORD,

Rio de Janeiro, 10th August, 1837.

In the course of a discussion in the Senate on the 3d instant, upon a proposition to reduce the duty on the produce of the mine of Gongo Socco, Senhor Antonio Pedro da Costa Ferreira, one of the Senators for the Province of Maranhão, moved an amendment that the reduction should be on condition that the mine be worked by free labour.

The amendment was rejected, apparently without a division. We think it expedient, however, that your Lordship should be informed of the circumstance, not only as showing the feeling of an individual Senator, but as demonstrating that *free negroes* would in all probability always find employment in this country.

We understand, that, by the express instructions of the Candongo Mining Association of London, their property in this country is worked wholly, or as much as possible, by *hired* negroes. But it is evident, that however humane the motive, the distinction necessarily falls short of the object.

We have, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 124.

Her Majesty's Commissioners to Viscount Palmerston.—(Received October 7.)

MY LORD,

Rio de Janeiro, 10th August, 1837.

YOUR Lordship will hear, no doubt, from Her Majesty's Minister at this Court, of the arrival here, on the 24th ultimo, of the Portuguese patacho, "*Es-peculador*," Guimaraens, Master, from Liverpool, with a cargo of British manufactures consigned to English merchants in this city.

It being understood that the "*Especulador*" and her cargo are bound for the Coast of Africa, an Order was issued by the Government, subjecting all such cargoes to a Custom-house duty of $16\frac{1}{2}$ per cent., as a measure of finance, and as an impediment to the Slave Trade.

This proceeding, however, being contrary not only to custom, but to a formal determination of the Government, with reference to a proposal to the same effect on the part of a late Inspector of the Customs, we thought it our duty to communicate to Her Majesty's Minister at this Court the Copy of the Commissioners' Despatch to your Lordship of the 30th September, 1836, with the accompanying Documents bearing on the present proceeding.

We have, &c.

(Signed)

ROBERT HESKETH.
FRED. GRIGG.*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

No. 125.

Her Majesty's Commissioners to Viscount Pamerston.—(Received October 7.)

MY LORD,

Rio de Janeiro, 14th August, 1837.

OUR Despatch of the 2d ultimo will have conveyed to your Lordship a Legislative Project presented by the Marquis Barbacena to the Senate, for the abrogation of the Law 7th November, 1831, and the substitution of other enactments.

We now beg leave to transmit a printed Draft, dated 29th July, of the same Project, with alterations, the result of several discussions, and as the proposition stood for the third reading. Also a similar Draft, with manuscript erasures and additions made at the third reading, and as the Bill passed, on the 9th instant, to the Chamber of Deputies.

It will be seen that the 14 Articles proposed in the first instance were reduced to 13, and that, besides various intermediate alterations, other alterations and additions were made in the last stage.

The latter are the most important, and we presume that their spirit will be best seen by an Enclosure showing the comparative state of the Bill before and after the third reading.

The only point which appears to be an amelioration of the original Project, as transmitted to your Lordship on the 2d ultimo, is Article 6, substituting, for banishment to Fernando de Noronha, the punishment for piracy, and a fine of 4 contos.

In all other respects the Bill seems to be intended to legalize every slave transaction in violation of the Law 7th November, 1831; to present only such obstacles to future importations of negroes as experience proves are to be overcome by connivance, or bribery; and, above all, to deprive those negroes who have received freedom, and those who are entitled to it under the same Law, not only of their liberty, but of all means and hope of recovering it.

We apprehend, too, that such negroes as have been brought to this country since the Law above mentioned, and have not been re-exported to Africa, may lose their earnings, not only on account of the practical mal-administration of their affairs, but as the Law may perhaps be considered as abrogating the regulation for their employment in this country. Upon this subject we beg leave to refer to the Despatch which the Commissioners had the honour of addressing to your Lordship on the 22d February, 1832, being Paper No. 84 in the Correspondence published in that year.

We also beg leave, my Lord, to lay before you "*O Jornal do Imperio*" of the 5th instant, with an abstract of a Speech, on the 4th, as reported to have been deli-

vered by Senhor Costa Ferreira, one of the Senators for Maranhão, in a third discussion of this subject. In substance, the Senator is reported to have expressed his surprise that other Senators should have supported a project appearing to be very injurious to the country, that the concluding Article is incomprehensible, inasmuch as the Constitution does not allow any law to have a retroactive effect, that the cause of humanity is not to be overlooked, and that it would be preposterous to say, in spite of the Law of November, 1831, that the negroes in question are slaves.

In another daily paper it is stated that the undermentioned six Senators are also opposed to the Law in progress.

For Minas Geraes :—

Senhor Evangelista de Faria Lobate.

Senhor Lucie Soares Teixeira de Gouvea.

For Pernambuco :—

Senhor Manoel Caetano de Almeida e Albuquerque.

Senhor Jozé Ignacio Borges.

For Rio de Janeiro :—

Marquis de Paranaguá.

For Piauí :—

Senhor Luis Jozé de Oliveira.

We have, &c.

(Signed) ROBERT HESKETH.
FRED. GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 125.

Bill for Repeal of Law, 7th November, 1831.

Before the Third Reading.

After the Third Reading.

ARTICLE 5.

Those guilty of the crime of importing slaves, and of attempting such importation, are the Captain or Master, the Mate and Second Mate of the Vessel, the Supercargo, and the principals in the business. The accomplices are those who aid the landing of slaves or free blacks in the territory of Brazil, or who in any way assist in introducing them into the interior, or in withdrawing them from the public authority, not only at sea, but also on shore, within a league from the beach.

Those guilty of the crime of importing slaves, and of attempting such importation, are the Captain or Master, the Mate and Second Mate of the Vessel, the Supercargo, and the principals in the business. The accomplices are those who aid the landing of slaves or free blacks on the territory of Brazil.

ARTICLE 12.

In regard to the crimes which are the subject of this Law, and with exception of the cases specified in the Treaties with Great Britain, the Justices of the Peace, Municipal Justices, and District Justices "de Direito," when the landing is effected, or attempted, shall have cumulative jurisdiction, inclusive of passing sentence, but it shall never be understood to exclude the jurisdiction of the Judges, "de Direito," who may take cognizance of actions commenced, and renew examinations.

The Judges, "de Direito" are exclusively competent to prosecute and judge the crimes, which are the subject of this Law, subject to appeal "ex officio" to the "Relações," the local authorities being only competent to apprehend and investigate, and to take preparatory information, which shall be sent to the said Judges, "de Direito."

ARTICLE 13.

No action can lie under the Law of the 7th November, 1831, which is revoked; but those (Negroes) who already enjoy liberty by effect of the same Law, shall be maintained therein. All laws to the contrary are revoked.

No action can lie under the Law of the 7th November, 1831, which is revoked, as well as all other Laws to the contrary.

Second Enclosure in No. 125.

From "O Jornal do Imperio," 5th August, 1837.

(Translation.)

Session of the 4th August, 1837.

SENHOR Costa Ferreira speaks at considerable length against the project. He is surprised that Noble Senators of distinguished patriotism have supported a project, which, in his opinion, will, if it pass, CLASS A.

Y

be very injurious to the country. The last Article is so expressed that he cannot understand it, and he should be glad if it were explained. But, if he rightly understand the Constitution, it is very clear in not allowing any law to have a retractive effect. And, in his humble opinion, the cause of humanity ought not to be forgotten. True it is that the Romans erected altars to Fever, and called it a goddess. So, by what he observes, it may be said, distinctly, and without further disguise, that Slavery is Freedom. And let it at once be avowed, that in spite of the law of 1831, these men are Slaves! He would ask the Noble Senator, (Senhor Francisco de Paula Souza e Mello, one of four senators for San Paulo) what is the use of the Amendment which he has laid upon the table (to suppress the words "those negroes shall be maintained in their liberty who already enjoy it,") whether these judges, "de Dircito," are so many Melchizedeks? He is himself of opinion that what has been done is only going backward. Yesterday, members exclaimed against judges "de Dircito" and "Desembargadores," to-day, one hears the contrary, it is the web of Penelope, we are doing and undoing, but he would ask the noble senator whether these judges, "de Dircito" and "Disembargadores" have no property, or relations, or friends, whether they are not in the same circumstances as the jurymen? He (Senhor Costa Ferreira) is himself acquainted with many "Disembargadores," who, perhaps, are sighing for this law, in order to buy slaves—these are the persons who are battling most in favour of this law, and is it therefore to be hoped that they will decide better than others? He has no such expectation, or that this law will prevent the importation of slaves. On the contrary, it will greatly promote their introduction, for whenever the number of purchasers is considerable, the market is very active. Wherefore, if the juries be defective, let them be reformed; but let it not be expected that other judges will do better. He is of opinion that the project cannot pass for want of perspicuity. Upon some points its very author has repeatedly vacillated. He has even proposed amendments, the which is a sign that notwithstanding his acknowledged talent and patriotism, he has not deeply considered the project. Instead of bringing peace, it must, on the contrary, occasion disturbances, for the reasons which he has already stated, and which Noble Senators know. Treating of certain points of the project, he observes that he does not accord with what he heard in a previous debate, inasmuch as the principal criminals are a few traffickers, and as the Portuguese flag has continually covered this traffic. In my province (Maraham) said the illustrious orator, it would be the greatest good fortune to the agriculturists, if there were not so many means of introducing slaves in that quarter. They would be unshackled and provided with money, which they cannot be while this infernal traffic is so rife, employing their capital, without discretion, in the purchase of slaves, by whose death it is absorbed. Finally, he is of opinion that this project has no other object than the reducing of the free population of Brazil, and that the Societies which have so zealously endeavoured to introduce free labourers, will all be discouraged if this project pass.

No. 126.

Her Majesty's Commissioners to Viscount Palmerston—(Received October 7th.)

MY LORD,

Rio de Janeiro, 14th August, 1837.

WE have the honour to enclose a statement of 8 vessels, which arrived here from the Coast of Africa, and of 5 vessels that sailed from this Port for the same Coast, in the course of last month.

The whole are described as Portuguese.

We have, &c.
(Signed)

ROBERT HESKETH.
FRED. GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
 &c. &c. &c.

First Enclosure in No. 126.

Arrivals at Rio de Janeiro, from the Coast of Africa, during the Month of July, 1887.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	Number of Crew.	Where from.	Passage.	Reported Nature of Cargo.	Remarks.
July 1	Brigantine	Flor de Loanda	M. A. Pereira	Portuguese	150	9	Angola	days.	Ballast.	Detained by Police.
" 4	Schooner	Mariana	J. A. dos Santos	"	80	13	Benguela.	34	Wax, Ivory, &c.	"
" "	Brig	Novo Destino	J. de A. Jardim	"	180	21	Angola	29	"	"
" "	"	29 de Maio	F. A. Pinto	"	160	9	"	35	Ballast	"
" "	"	Sacdade	F. J. Ribeiro	"	226	23	Calcutta, calling at African Ports	41	"	"
" 9	Snack	Ribeira Nova	C. V. de Costa	"	95	12	Angola	134	Wax and Ivory	"
" 10	Brig	Antenor	V. J. de O. Vianna	"	300	17	"	38	Ballast	"
" "	Brigantine	Feliz	Jose Joaquim	"	90	14	Cape Lobo	34	Wax, Mats, and Ballast.	In quarantine in consequence of the death of three of the crew. Detained by Police.
" 15				"				25	Ballast.	

(Signed) ROBERT HESKETH.
FRED. GRIGG.

Second Enclosure in No. 126.

Departures from Rio de Janeiro, for the Coast of Africa, during the Month of July, 1887.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	Number of Crew.	Where bound.	Reported Nature of Cargo.	Remarks.
July 7	Brig	Assiceira	J. P. Ferreira	Portuguese	182	16	Cape Verde via Angola	Brandy and Goods.	
" 9	"	Triunpho de Inveja	M. F. Brandao	"	210	19	Goa via African Ports	"	
" "	Schooner	Doye de Outubro	J. A. de Oliveira	"	201	19	Angola and Benguela	"	
" 19	Brigantine	Ligeiro	B. J. Velloso	"	99	16	Benguela and Angola	"	
" 23	Brig	Adamastor	J. M. Lopes	"	209	24	Goa via African Ports	"	

(Signed) ROBERT HESKETH.
FRED. GRIGG.

No. 127.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Nov. 15th.)

MY LORD,

Rio de Janeiro, 2nd September, 1837.

WE have the honour to enclose a statement of the intercourse between this Port and the Coast of Africa during the month just closed. Only 1 vessel is stated to have arrived here but there were 7 that sailed; the whole reported to be Portuguese.

We have, &c.

(Signed)

ROBERT HESKETH.
FRED. GRIGG.*The Right Hon, Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

First Enclosure in No. 127.

Arrivals at Rio de Janeiro from the Coast of Africa during the Month of July, 1837.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	Number of Crew.	Where from.	Passage.	Reported Nature of Cargo.	Remarks.
August 4.	Schooner . . .	Josefina	J. G. de Mendonca . . .	Portuguese .	100	15	Angola	Days. 40	Ballast	In Quarantine.

(Signed) ROBERT HESKETH.
FREDERICK GRIGG.

Second Enclosure in No. 127.

Departures from Rio de Janeiro for the Coast of Africa during the Month of July, 1837.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	Number of Crew.	Where Bound.	Reported Nature of Cargo.	Remarks.
August 5	Brig . . .	Fortuna d'Africa . . .	J. de C. Miranda . . .	Portuguese . .	208	19	Goà via African Ports . .	General	Put back on the 23rd, on Account of the Illness of the Master and Mate.
" 9	Ship . . .	Cintra	J. J. Rodrigues . . .	"	202	11	Cape Verde via African Ports	Brandy and Goods .	
" 12	Brig . . .	Dous Amigos . . .	H. de Costa . . .	"	220	18	Goà via African Ports . .	"	
" 20	Barque . . .	Carolina	C. J. de Faria . . .	"	270	27	"	"	
" 22	" . . .	Maria Carlota . . .	F. P. de L. Cabal . . .	"	228	19	Angola	"	
" 27	Brig . . .	General Cabreira . . .	A. V. Bony . . .	"	192	23	Cape Verde via African Ports	"	
" 29	Barque . . .	Resolução	J. M. Sumars . . .	"	341	23	Goà via African Ports . .	"	Sailed on the 5th, and put back on the 23rd, and now reported as Sailed again.
" 30	Brig . . .	Fortuna d'Africa . . .	J. C. de Miranda . . .	"	208	19	"	General	

(Signed) ROBERT HESKETH.
FREDERICK GRIGG.

No. 128.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Nov. 15th.)

MY LORD,

Rio de Janeiro, 4th September, 1837.

OUR Despatch of the 14th ultimo will have apprised your Lordship that, on the 9th August, the Bill for the abrogation of the Law, 7th November, 1831, passed from the Senate to the Chamber of Deputies.

We have now the honour to add, that, on the 2nd instant, the measure in question was taken up by the Chamber of Deputies, when one of the 13 Representatives of the Province of Pernambuco, offered as an amendment, unsupported by any argument, the project of Senhor Vasconcellos, presented in 1836, for the Repeal of the same Law.

Another Deputy, for Pernambuco, contended that, in effect, the Bill sanctions the importation of slaves, which it professes to prohibit—that the prohibition is only nominal, inasmuch as the setting foot on the territory of Brazil, by the agency of a pirate (meaning, no doubt, any slaving-vessel) is deemed a legal importation—that no measures have been taken to keep off such vessels—on the contrary, that a Brazilian Officer, making such a capture, is dismissed—wherefore the Deputy proposed that the consideration of this Project be adjourned till the Articles, additional to the Treaty with England, prohibiting the commerce in slaves, which have been before the Chamber for two years, shall be discussed.

The proposed adjournment having been negatived, a third Deputy for Pernambuco expressed his opinion that the Government is committed, to a certain degree, with that of England, in regard to the abolition of the traffic, wherefore, he proposed that, to obviate difficulties, the Minister for Foreign Affairs should be invited to assist at the further discussion of this Project, which was ultimately determined upon.

The same Deputy then proceeded to state, that, though the Law, 7th November, cannot, in his opinion, be executed, yet he could not vote for the Bill, being of opinion that the traffic would be more effectually put down by indirect means, such as the excluding slaves from public works, the registering of their transfer by sale, and the levying of a tax upon their location.

A Deputy for the Province of Bahia then expressed his opinion—that the present Law is wholly inadequate to the repression of the traffic; that it deprives the Treasury of two sources of revenue, viz., of the duties previously levied on the importation of slaves, and of the advantage which resulted from the transit of foreign goods, through Brazil to Africa, in addition to a loss by the non-production of other goods and manufactures, formerly the produce of Brazil, which, as matters stood, were then exported to Africa, with the foreign goods intended for that market.

In the opinion, too, of the same Deputy, the law gives a premium to contraband slave importers, equivalent to the abrogated importation duty on the slaves, by which the importers have been, and are, enabled to purchase the connivance or the assistance of those who ought to execute the law, and to retain exclusive possession of the trade, while, even magistrates, unsuspected of venality, shut their eyes to what is passing, rather than subject the contraband importers to the extreme penalties of the law.

The Deputy further contended that, where the law is operative, it aggravates the misery and waste of life of the unhappy Africans, not only as the mortality by illness is now more extensive, but as under the present system whole cargoes are often sacrificed.

To remedy these evils, the Deputy proposed the levying of a heavy duty on the importation of slaves, through the Custom-house, or pecuniary penalties on contraband importers, such as will preclude their engaging in the traffic, by which, we presume, is meant such penalties as are not tantamount to the absolute ruin of the parties, and which it is thought will not enlist the magistrates and local authorities in favour of the culprits.

In conclusion, the Deputy, after advising that the Government should take an account of the Africans, unlawfully acquired since 1828, proposed as an Amendment, that,—“It is prohibited to import into Brazil, and its territory, Africans, either captives or slaves, taught or new, free or freed, or *libertos*.”

The Amendment was seconded, and the discussion adjourned.

Of these proceedings we beg leave to enclose a Report and Translation; and we regret that, as we believe, there is no other Report on the subject. For there is one part of the proceedings which is not quite clear at present, viz., that while two of the speakers are reported to have recommended the non-employment of slaves in *Imperial* Public Works; they are also said to have recommended their employment in *Provincial* Public Works.

We have, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 128.

(Translation.)

Rio de Janeiro, 2nd September, 1837.

Session of the Chamber of Deputies.—Discussion on the Project of the Senate for the abrogation of the Law 7th November, 1831.

Article 1st.

“The Importation of Slaves and Free Blacks into the Territory of Brazil is prohibited: the Passage from one province to another is (not) included.”

Senhor Sebastiao do Rego Barros (one of thirteen Deputies for the province of Pernambuco) announced that he has to offer, as an amendment, the project of Senhor Vascellos (presented in the Session of 1836, for the repeal of the law 7th November.)

Senhor Rzende (another Deputy for Pernambuco) does not understand what is meant by the words “the importation of Africans is prohibited,” inasmuch as the project sanctions such importation. It appears to him that the first Article is a contrivance for bringing this subject to a vote, in order to the spreading of a report in Brazil that the importation of slaves is free; they being acknowledged as free men by the laws of Brazil. He observes that, in the north, in his province, such importation was very rare; but since the propositions for repealing the law of 1831, some one has spread a report that the law was abolished, and the importation of Africans no longer causes any surprise. If, therefore, the Chamber should vote for the first Article, the effect of which is insidious, it will immediately be said that the other Articles, which sanction such importation, are also admitted.

In this project, it is said, that the importation of Africans into the territory of Brazil is prohibited; but, when once these Africans have set foot on the territory of Brazil, they are imported. If a pirate should succeed in landing Africans on the territory of Brazil, they are actually imported, notwithstanding that the importation is prohibited. It appears to be doubted whether the law of 1831 exists. He reminds the Chamber that the present law is proposed while no means have been brought forward for preventing pirates from approaching the coasts of Brazil with Africans. It is known that, when a naval officer takes a vessel with Africans, he is dismissed from the command. If, while men are declared to be slaves, whom the law declares to be free, and who, setting foot on the country, in which liberty is established, become slaves, there were at least a wall of iron preventing pirates from approaching the coasts of Brazil, there would be some excuse. But, while the articles additional to the Treaty with England, for the more effectual prohibition of this traffic, have been so long before the Chamber, and that no other measures are taken, of what use is this law? He (the Deputy) desires that the consideration of this project be adjourned till the articles, additional to the treaty with England, prohibiting the commerce in slaves, and which have been before the Chamber for two years, be discussed. He is of opinion, that, if the Assembly wish to prove that it does not protect this commerce, it ought to adopt every measure to keep off the pirates, who are engaged therein.

(The adjournment proposed by the Noble Deputy is seconded, and put to the vote; but, after some discussion rejected).

Senhor Hollanda Cavalcante, (also Deputy for Pernambuco) after adverting to the disparity of proceeding in this Chamber, in regard to projects received from the Senate, which pass immediately to a second discussion, while the projects of the Chamber of Deputies pass a first discussion in the Senate, whence inconvenience arises—enters upon the subject.

Our Government being in a certain degree committed with that of England, in regard to the abolition of the traffic in slaves; being himself of opinion, that, if the law, as it has come from the Senate, be passed; there may be great disputes (“Grandes contestações”) on this subject, and as he wishes to guard the administration from any eventual embarrassment or difficulties consequent upon the law, he proposes that the Minister for Foreign Affairs be invited to assist at the discussion of this project.

Although he (Senhor Cavalcante) admits that the law of the 7th of November, 1831, cannot be executed, and encourages immorality, yet he cannot vote for the project under discussion. He is of opinion, that, in order to obviate the continued importation of Africans, it will be more useful to recur to indirect means, such as excluding slaves from public works; the adopting the measure suggested by the Provincial assembly of San Paulo, and in the reports of the Minister of the empire, and the Minister of Finance requiring that contracts for the transfer of slaves be made by public documents. It also appears to him that it would be advisable to tax the location of slaves, and that the result would be the more useful, as it should be determined by a general law, that slaves should not be employed in public works, the provinces might employ slaves in local undertakings.

It was decided that the Minister for Foreign Affairs should be invited to assist at the discussion of this law.

Senhor Rebouças (one of 13 deputies for Bahia).—Mr. President, I strongly object that, when an existing law is not under discussion, it should be impugned, as, with great dissatisfaction, I have heard even of the additional Act. It appears to me that this is very impolitic, and that thus a very bad lesson is given to the people. (Hear). I think that I am consistent in speaking against the law of 1831, which belongs to the discussion of this project.

It is confirmed by experience that the Law of 7th November could have no other than a bad effect, inasmuch as, while it prohibited the commerce in Africans, the means employed for terminating the commerce must be, in the opinion of every body acquainted with the subject, absolutely inefficient. The result was, that the public income was deprived of two sources of revenue,—the direct source of the duties which were received on the importation of African slaves, and the indirect source from goods brought to Brazil, and which went hence to Africa, in addition to other goods of the country, which were cultivated or manufactured to a greater extent by the keeping up of that commerce. Another, and a moral evil, resulted from this law. The contraband importers of slaves continued, nevertheless, the traffic, and, having the means of disbursing the amount of duties which they formerly paid to the Custom-house, they were enabled to continue the commerce with impunity, and it has thus remained exclusively in their own hands. In this way neither the commerce nor its evils being put down, there ensued a degree of immorality which will ruin Brazil entirely, if, indeed, the evil be not already irremediable. There is another evil; when the commerce in slaves was lawful, the deaths, in addition to those which ensued in Africa by the wars among its wretched inhabitants, were neither so many nor so frequent. And now, in consequence of the present ineffective police, whole cargoes are often sacrificed.

The Law, therefore, of 1831 neither did, nor could, produce any beneficial effect, because, granting that the means of repression aggravated the punishment of the infractors, that same punishment, being out of proportion, and beyond the nature of the crimes, has served as an argument for impunity, not as to those who are suborned by vile and sordid interest, but as to those who are moved by sentiments of pity, and by other motives which exist in souls more generous and better formed. A ship with Africans is apprehended, or a cargo is met with on our shores, or on an estate, who is the apprehender? Let us suppose that he is a declared enemy to the traffic, that he is convinced of its evil consequences, and even impressed with the proofs of its ominous existence in Brazil. The same individual, seeing that the apprehension of the Africans would involve, not only the ruin of a family by the loss of the property, but, further, that a father is condemned to imprisonment, to the loss of (the labour of) the Africans, and of the entire capital employed in this trade, with whatever else he may possess, besides being subject to a personal penalty not to be commuted for any money—can it be that the apprehender will act to this extent? No! Experience shows that magistrates and others, who know that there are Africans at a given point, and who, by duty, are required to repress this commerce, if they profess to repress it, it is only ostensibly. Every one knows the scandalous result.

It is evident, therefore, that the severity of the penalties cannot forward the repression, or, rather, that it leads to impunity.

Having reflected upon the mode of rendering effective the prohibition of the commerce in slaves, I see no efficacious means other than the following:—A heavy duty on the importation of slaves, or pecuniary penalties on the importers, such as will preclude the possibility of their engaging in the commerce; enacting also that the Government shall take an account of the Africans who are to be deemed unlawfully acquired since 1828, according to a calculation of the mean term of life of African slaves.

The Honourable Deputy, after having analyzed certain articles of the Law, offers the following amendment, which is seconded:—

“It is prohibited to import into Brazil, and its territory, Africans, either captives or slaves, taught or new, free or freed, or libertos.”

The discussion was adjourned.

No. 129.

Her Majesty's Commissioners to Viscount Palmerston.—(Rec. November. 15)

MY LORD,

Rio de Janeiro, 11th September, 1837.

IN our Despatch of the 9th August, we had the honour of reporting to your Lordship the capture, by the Imperial corvette “*Regeneração*,” of the Portuguese schooner “*Eugenia*,” from Angola, whence there was reason to believe that she had just brought a cargo of slaves.

It was stated at the time that the schooner, manned by a crew from the corvette, was on her way to this port, but it does not appear that she has arrived here, or that there is any subsequent account of her.

Regarding the slaves, however, 4 Despatches are published in the “*Jornal do Commercio*” of this day, apparently by authority.

By them it appears that, in pursuance of orders from the President of the Province of Pernambuco, the Prefect of the Comarca of Recife, and the Sub-Prefect of the Island of Itamaracá, made official inquiries respecting 300 negroes said to have been landed from the “*Eugenia*,” at Itamaracá, or in its neighbourhood, but that according to the statements of those persons, their inquiries were unsuccessful.

It also appears that the bar of Itamaracá is within gun-shot of a fort, the Commandant of which states that his authority is confined to the walls of the fort, that vessels and boats arriving at the bar, and departing from it, are quite independent of his authority, and that he has no knowledge of the reported landing of such Africans.

Under the circumstances we are very much inclined to believe that a landing of negroes from the “*Eugenia*” did take place, and that this is another instance

of the easy accomplishment of such nefarious transactions, with or without the cognizance of the Local Authorities.

We have, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 130.

Her Majesty's Commissioners to Viscount Palmerston.—(Received November 23.)

MY LORD,

Rio de Janeiro, 19th September, 1837.

WE beg leave to inform your Lordship, with reference to our Despatch of the 4th instant, that the discussion on the Bill for the Abrogation of the Law 7th November, 1831, was continued in the Chamber of Deputies on the 18th instant.

An amendment was moved by Senhor Rezende and seconded, to the effect that the first paragraph of the Bill be suppressed.

Senhor Martin Francisco, one of the Deputies for San Paulo, then said that, in pursuance of the former discussion, the Minister for Foreign Affairs had been invited to attend the further debate, but had declined on the ground of ill-health. Senhor Martin Francisco, however, being of opinion that the proposed Law would interfere directly or indirectly with the engagements of Brazil to England, under the Convention of 1826, proposed that the project be referred to a Committee of Diplomacy for an opinion as to the degree in which the project may militate against the same Convention, which was put to the vote and carried.

Under these circumstances, and the very advanced period of the Session, we presume that this business will stand over till next Session, especially as the Regent has just resigned, and as the Minister for the Empire, on whom the executive as devolved, has formed a new Administration.

We have, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 131.

Her Majesty's Commissioners to Viscount Palmerston.—(Received November 28.)

MY LORD,

Rio de Janeiro, 28th September, 1837.

REFERRING to the Despatch addressed to your Lordship on the 18th March last, we beg leave to enclose 2 Copies of the "*Jornal do Commercio*" of this day, containing the sentence of the jury of Mangaratiba, pronounced on the 15th instant, on Antonio Luiz Vierra, accused of having received, as a Justice of the Peace, a bribe of rs. 2,200 for the delivery of 38 new blacks, whom he had apprehended on the 14th November, 1836, to the importers of the same.

The sentence is in substance that, if the party still hold the office of Justice of the Peace, he be dismissed from it, and lose all the effect of previous services in that capacity; that he be imprisoned 3 months, and fined rs. 6,600 in addition to the costs of the suit, and rendered incapable of holding any other public employment.

The publication of the Document in question is probably by authority, and we hope that it will not be without a salutary effect on the conduct of other Justices of the Peace.

We have, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 132.

Her Majesty's Commissioners to Viscount Palmerston.—(Received November 28.)

MY LORD,

Rio de Janeiro, 4th October, 1837.

WE have the honour to enclose a statement of the intercourse between this port and the Coast of Africa during the month just closed.

The departures were 3, and the arrivals only 2. The latter circumstance is the more satisfactory, as the previous cargoes of negroes deposited in this vicinity have undergone great mortality from the small-pox, which, in several cases, has reached the free population of this city and its environs.

We have, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

First Enclosure in No. 132,

Arrivals at Rio de Janeiro from the Coast of Africa, during the Month of September, 1837.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	No. of Crew.	Where from.	Passage. Days.	Reported Nature of Cargo.	Remarks.
Sept. 3	Schooner	Andorinha . . .	J. T. de Abreu .	Portuguese	95	11	Benguela . .	24	Wax, Ivory, and Ballast.	In Quarantine, not having a Bill of Health.
„ 22	Smack . .	Firmiza	E. J. Gonçalves .	„	132	11	Angola . . .	32	Ballast . . .	In Quarantine.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

Second Enclosure in No. 132.

Departures from Rio de Janeiro for the Coast of Africa, during the Month of September, 1837.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	No. of Crew.	Where bound.	Reported Nature of Cargo.	Remarks.
Sept. 2	Brig . .	Experiencia . . .	M. F. de Silva .	Portuguese	186	19	Benguela . . .	Brandy and Goods.	
„ 10	„ . .	Leão	J. F. da Silva .	„	232	24	Cape Verdes, via African Ports.	„	
„ 15	Schooner .	Esperança . . .	J. F. Salgueiros .	„	215	19	Cape Verdes, and Africa	„	

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

SURINAM.

No. 133.

Mr. Samo to Mr. Bandinel.—(Received May 29.)

MY DEAR SIR,

Surinam, 21st March, 1837.

THE Dutch brig-of-war "*Valk*," last from their settlements on the African Coast, brought the intelligence of the arrival of General Verveer and his suite at Elmina, to fulfil the Mission to the King of the Ashantees from the Government of Holland, of which Viscount Palmerston's Despatches to us, in July last, made mention.

It appears that a portion of the presents brought by him for the King of the Ashantees had been forwarded and received; but up to the time of the departure of the "*Valk*," General Verveer had not succeeded in obtaining an audience; it is further stated that the King had caused it to be intimated to the Dutch Mission, that he could not assent to the proposal of raising troops for the Dutch service from amongst his own subjects, but that he was willing to grant permission to select for that purpose any others, from amongst the prisoners which might be made by him in any neighbouring war in which he might be engaged.

As this information comes from a person on whose veracity reliance can be placed, I think the report likely to prove correct.

James Bandinel, Esq.
&c. &c.

I am, &c.
(Signed) JOHN SAMO.

No. 134.

Viscount Palmerston to Her Majesty's Commissioners.

Foreign Office, 15th July, 1837.

(See Circular. *Sierra Leone General*, No. 4.)

No. 135.

His Majesty's Commissioners to Viscount Palmerston.—(Received July 27.)

MY LORD,

Surinam, 1st June, 1837.

WE have the honour to acknowledge the receipt of your Lordship's Despatch, dated the 27th of January last, transmitting 2 Copies of the Translation of a Decree, issued at Lisbon for the Abolition of the Slave Trade throughout the Portuguese dominions.

We have, &c.

(Signed) JOHN SAMO.
CAMPBELL JAMES DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Class A.
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CORRESPONDENCE

WITH THE

BRITISH COMMISSIONERS,

RELATING TO

THE SLAVE TRADE.

1837.

CLASS A.

A

Class A.
(FURTHER SERIES.)

CORRESPONDENCE

WITH THE

BRITISH COMMISSIONERS,

AT

SIERRA LEONE, THE HAVANA,

RIO DE JANEIRO, AND SURINAM,

RELATING TO

THE SLAVE TRADE.

1837.

Presented to both Houses of Parliament, by Command of Her Majesty,
1838.

LONDON:

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Class A.—1837-8.

FURTHER SERIES.

CORRESPONDENCE WITH THE BRITISH COMMISSIONERS.

SIERRA LEONE. *(General.)*

No. 1.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, January 20th, 1838.

I HEREWITH transmit for your information the copy of a Despatch from Her Majesty's Commissioners at the Havana, containing a Report of the arrivals from, and departures for, the coast of Africa, during the month of October last.

I have, &c.

(Signed)

PALMERSTON.

*Her Majesty's Commissioners at Sierra Leone,
&c. &c. &c.*

Enclosure in No. 1.

Havana Commissioners to Viscount Palmerston.

October 31, 1837.

(See No. 23.)

No. 2.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, February 13th, 1838.

I HEREWITH transmit, for your information, the copy of a Despatch from Her Majesty's Commissioners at the Havana, containing their Report of the arrivals and departures of slave vessels, for the month of November, 1837.

I have, &c.

(Signed)

PALMERSTON.

*Her Majesty's Commissioners at Sierra Leone,
&c. &c. &c.*

Enclosure in No. 2.

Havana Commissioners to Viscount Palmerston.

November 30th, 1837.

(See No. 30.)

No. 3.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 19th March, 1838.

I HAVE to acquaint you that the Lords Commissioners of the Admiralty have issued a Circular to the Commanders in Chief on foreign stations, directing them to instruct the Captains and Commanders of Her Majesty's ships and vessels under their order, to discontinue the practice, of which it appears that they claim a right, under section 8 of the Articles of War, of taking from vessels detained by them under Treaties with Foreign Powers, for the suppression of the Slave Trade, articles relating to navigation, which may be required for the use of the capturing vessel under their command.

I have, &c.

(Signed)

PALMERSTON.

Her Majesty's Commissioners,
 &c. &c. &c.

No. 4.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, April 9, 1838.

I HEREWITH transmit, for your information, the copies of two Despatches from Her Majesty's Commissioners at the Havana, containing their reports of the arrivals of slave vessels at, and of their departures from that place, for the months of December, 1837, and January, 1838.

I also transmit herewith to you, for your information, the copies of two Despatches from Her Majesty's Commissioners at Rio de Janeiro, containing their Reports of the arrivals at, and departures of slave vessels from, that place, for the months of November and December, 1837.

I am, &c.

(Signed)

PALMERSTON.

Her Majesty's Commissioners,
 &c. &c. &c.

Enclosures in No. 4.

Havana Commissioners to Viscount Palmerston.

December 30th, 1837.

January 1st. 1838.

(See Nos. 41 and 43.)

Rio Commissioners to Viscount Palmerston.

December 4th, 1837.

December 31, „

(See Nos. 58 and 63.)

No. 5.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 9th April, 1838.

I HEREWITH transmit to you for your information, two Printed Copies of a Treaty by which the Hanse Towns have acceded to the Conventions between His late Majesty and the King of the French, for the more effectual suppression of the Slave Trade. The Ratifications of this Treaty were exchanged at Hamburgh, on the 12th of September, 1837.

I likewise transmit to you two Printed Copies of a Treaty, by which the Grand Duke of Tuscany has acceded to the above-mentioned Conventions. The Ratifications of this Treaty were exchanged at Florence on the 2nd day of March, 1838.

I am, &c.

(Signed)

PALMERSTON.

Her Majesty's Commissioners,
 &c. &c. &c.

No. 6.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 11th April, 1838.

I HAVE referred to Her Majesty's Advocate-General the Correspondence, which has passed between you and myself, upon the subject of the purchase of condemned slave-vessels by Merchants, who are resident at Sierra Leone, and to all appearance acting as Agents of Slave Dealers to whom the Vessels are unsold.

The Queen's Advocate is not aware of any means, in the power of Her Majesty's Government, for interfering to prevent the practice complained of, with respect to Vessels captured under the Flag of Powers which have not agreed to the stipulation for breaking up condemned slave-vessels.

The inconvenience cannot take place with respect to Vessels captured under the Flag of those Powers which have agreed to the stipulation just mentioned; and you are aware, that Portugal and Brazil are the only Powers with which Great Britain has Slave Treaties, without the Article for breaking up the Vessels immediately after Condemnation and before Sale.

I have, &c.

(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

No. 7.

Her Majesty's Commissioners to Viscount Palmerston.—(Received May 3, 1838.)

MY LORD,

Sierra Leone, 1st January, 1838.

WE have the honour to transmit herewith to your Lordship a certified Copy of the List of Slaves registered here by the different Mixed Courts, from the 1st July 1837 to the 1st January 1838. The number so registered was 1440.

We have, &c.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 7.

ABSTRACT.

	Number Registered.	Number died before Registration, but Emancipated.	Number Emancipated.
Providencia,	193	..	193
Amelia,	341	4	345
Primorosa,	136	..	136
Viborá de Cabo Verde, .	217	4	221
Felicidade,	274	7	281
Ligeira,	279	1	280
	1440	16	1456

Mem.—Number registered up to the 1st July 1837, 43,500

Number registered from 1st July 1837, to 1st January 1838. 1,440

Total, 44,980

B 2

No. 8.

Her Majesty's Commissioners to Viscount Palmerston.—(Received May 3, 1838.)

MY LORD,

Sierra Leone, 1st January, 1838.

WE have the honour to enclose to your Lordship a List of all the cases adjudicated during the year 1837, in the British and Portuguese, British and Brazilian Courts of Mixed Commission, and the British and Spanish Mixed Court of Justice, established in this Colony. No cases were presented for adjudication in the British and Netherlands Mixed Court of Justice during that period.

The total number of vessels brought before the Courts during the past year was 27, of which 18 were cases under the Portuguese Flag, and adjudicated in the British and Portuguese Court; and one under the same flag was tried in the British and Brazilian Court, the parties interested in that vessel and her cargo being residents in the metropolis of Brazil. The remaining 8 were cases under the Spanish Flag. Of the Spanish cases, 5 were prosecuted on the ground of equipment for the Slave Trade, and 3 for having been found with slaves on board. All the vessels brought before the Mixed Courts for trial during the year 1837 were condemned.

The number of slaves emancipated during the same period was 6,083, and the number registered here 4,396. Of those negroes who had been emancipated here, but not registered, there were landed at Honduras, from the Portuguese schooner "*Carlota*," 203; at Nassau, New Providence, from the Portuguese schooner "*Flor de Tejo*," 417; at Dominica, from the Portuguese brig "*Don Francisco*," 443; at Grenada, from the Portuguese schooner "*Florida*," 277; and at Port Antonio, in the Island of Jamaica, from the Portuguese schooner "*Traga Milhas*," 280. Of the emancipated slaves, 67 died before their descriptions could be taken to be registered.

Since the establishment of the several Mixed Courts in this Colony, to the close of the year 1837, the total number of vessels adjudicated has been 304, of which 18 were cases of restoration to the Claimants. From the condemned vessels there have been emancipated 50,237 slaves, of whom 44,980 have been registered here.

Of the 18 Portuguese vessels condemned during the last year, 7 were provided with official papers at the Cape de Verd Islands, under circumstances of so suspicious a character, as to sanction the belief that their sale and transfer to the Portuguese Flag were nominal, the property continuing *bonâ fide* to be Spanish. In two of these instances, Joao Jozé Claudio de Lima appears in the Passport as Owner. He was also the ostensible Owner of the Portuguese brigantine "*Esperança*," condemned in 1836, which vessel had been, in a like manner to those alluded to, transferred from the Flag of Spain to that of Portugal, at the Cape de Verds.

During the period in question, there came before the Commission 5 Portuguese vessels, furnished with official papers by the Government of Princes' Island, 3 of which were under equally suspicious circumstances respecting their true nationality as those previously mentioned, while the remaining 2 were owned by the very notorious Char Char, *alias* De Souza of Whydah, of whose character and occupation the Authorities of that Island cannot possibly have been in ignorance.

Had the Government of Portugal performed the promise made to Lord Howard de Walden, on the 4th June, 1836, of sending out a Governor to Princes' Island, and employing a Portuguese cruizer off that Island for the suppression of the traffic, the countenance, which those engaged in slaving adventures have long received there, might have been put an end to.

Respecting the state of the Slave Trade in the immediate vicinity of this Colony, we have to observe, that there have been condemned here in the last year 5 vessels, which had embarked their cargoes at the Rio Pongas, the Galinas, and the river Sherbro. No previous year has furnished an equal number of slave vessels from that quarter; and the fact serves but too well to establish the correctness of the remark made in the last Annual Report, that this trade was as determinedly carried on in our neighbourhood as at any former period.

With reference to this part of the subject, we beg leave to lay before your Lordship an Extract from a Letter, received from a mercantile Gentleman connected with the trade in the rivers Pongas and Nunez, several of whose commu-

nications upon Slave Trade matters have on previous occasions been transmitted to your Lordship.

We beg leave to call your Lordship's attention to the statement of this Gentleman, relative to the establishment of a Slave Trade with the Moors, in the neighbourhood of Cape Blanco, and to the facility with which slaves can be supplied on a part of the coast, where, owing to the absence of any British man-of-war, the Slave-dealers' operations may be carried on with perfect impunity.

Amidst all the evil consequences arising from the presence of the foreign slave-dealers in the rivers in our neighbourhood, our Correspondent has remarked upon one very gratifying circumstance, that the Fonlahs have been induced by the fair traders of the river Nunez, to bring down for sale to them a quantity of coffee of a very superior quality, the produce of the forests of their own country.

Thus we have another instance of the richness of the natural productions of the interior of Africa, whilst additional cause is thereby given to lament, that the industry of the natives should be diverted from the extensive and innocent commerce in which they have the opportunity of engaging, by the baneful influence of the Slave Trade.

Of the 27 vessels condemned in 1837, 20 were bound to the Island of Cuba, 3 to that of Porto Rico, 3 to Bahia, and 1 to Rio Janeiro.

Of these vessels 6 were captured on the windward coast, 9 in the Bight of Benin, 11 in the Bight of Biafra, and one to the southward of the Equator.

From the fact of 23 of the 27 vessels adjudicated having been, when detained, bound to the Islands of Cuba and Porto Rico, and the number of vessels seized with slaves actually on board in the year 1837 being only one short of the number captured in the like condition in 1836, the most successful year in the repression of this traffic since the establishment of the Mixed Commissions, it may be remarked, that the Spanish Slave Trade has not decreased, though the flag of that nation is now far less frequently met with than formerly upon this coast.

The manner in which it has been sought to protect the Spanish Slave Trade, even when carried on under the flag of Portugal, may be partly inferred, from the fact of the Custom-house functionaries of Havana having given to the Portuguese schooner "*Ligeira*," condemned here on the 28th ultimo, a certificate relative to the slaving equipment shipped on board of her, which document was nearly similar to those issued to Spanish vessels adopting a like course; and which, we presume, must have been obtained as a precautionary measure, in the expectation of an Equipment Article being added to the Treaties with Portugal, and coming into operation whilst the vessel might be upon this coast.

It is worthy of remark, that the number of vessels adjudicated in the years 1836 and 1837 bears a proportion of upwards of one-fourth, as compared with the total number tried during the 18½ years which the Mixed Commissions have been established, and that the number of slaves emancipated in those 2 years bears a similar proportion to the total number liberated in the entire period.

We have, &c.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 8.

A List of Cases adjudicated in the Courts of Mixed Commissions established at Sierra Leone, betwixt the 1st day of January, 1837, and the 1st day of January, 1838.

Number of Cases adjudicated between June, 1819, and 1st January, 1838.	Number of Cases adjudicated between June, 1819, and 1st January, 1838.	Number of Cases adjudicated between 1st January, 1837, and 1st January, 1838.	NATION.	NAME of VESSEL.	CLASS.	Whether Condemned or Liberated.	Number of Slaves on board at the time of Capture.	Number of Slaves Kman-cipated.	Number of Slaves Kman-cipated and Registered.	REMARKS.
278	18	1	Spanish.	San Nicholas	Brig	Condemned	49	49	49	<p>^a Two boys died before their descriptions were completed to be registered.</p> <p>^b Two boys and 2 girls died, ditto.</p> <p>^c Five men, 1 woman, 2 boys, and 10 girls died, ditto.</p> <p>^d Three men, 1 woman, 1 boy, and 2 girls died, ditto.</p> <p>^e One man died, ditto.</p> <p>^f One man and boy died, ditto.</p> <p>^g These slaves were landed at Honduras, and therefore not registered here.</p> <p>^h One man and 2 boys died before their descriptions were taken to be registered.</p> <p>ⁱ One man, 2 women, 2 boys, and 1 girl died, ditto.</p> <p>^j These slaves were landed at Nassau, New Providence, and therefore not registered here.</p> <p>^k 3 men and 1 boy died before their descriptions could be effected to be registered.</p> <p>^l 10 men, 1 woman, and 2 girls died, ditto.</p> <p>^m These slaves were landed at Dominica, and therefore not registered here.</p> <p>ⁿ These slaves were landed at Grenada, and therefore not registered here.</p> <p>^o Five men, 1 boy, and 1 girl, died before their descriptions were taken to be registered.</p> <p>^p These slaves were landed at Port Antonio, in the island of Jamaica, and therefore not registered here.</p> <p>^q One man died before his description was taken to be registered.</p> <p>^r Six men and 2 boys died, ditto.</p> <p>^s Emancipated at Sierra Leone, (but not registered) between June, 1819, and 1st January, 1837.</p> <p>Died or absconded subsequent to emancipation, but prior to registration, between 1st January, 1837, and 1st January, 1838.</p> <p>Emancipated at Sierra Leone (but not registered there in consequence of their having been previously landed at Honduras, New Providence, Dominica, Grenada, and Jamaica) between 1st January, 1837, and 1st January, 1838.</p> <p>Total 5,370</p>
279	..	2	..	Lechuguino	Schooner	..	49	49	49	
280	..	3	..	Experimento	..	..	..	..	..
281	..	4	..	Gata	Pilot-boat	..	111	101	92	
282	..	5	..	Descubierta.	Schooner	..	..	..	..
283	..	6	..	Cinco Amigos	..	..	..	..	..
284	..	7	..	Dolores	..	..	313	286	282
285	..	8	..	General Ricafort	Brig	..	..	..	..
286	..	9	Portuguese.	Pacquete de Cabo Verde	476	452	434	<p>Total of slaves emancipated and registered here, between June, 1819, and 1st January, 1837, for reasons assigned in previous Returns 3,570</p>
287	..	10	..	Temerario	Brigantine	..	349	286	229	<p>Total of slaves emancipated between 1st January, 1837, and 1st January, 1838 6,083</p> <p>Grand total of slaves emancipated at Sierra Leone between June, 1819, and 1st January, 1838 50,237</p> <p>Of which number there has not been registered here, as appears by the foregoing remarks 5,257</p> <p>Grand total number registered, up to this day 44,980</p>
288	..	11	..	Esperanza	Brig	..	109	89	88	
289	..	12	..	Josephina	Schooner	..	350	346	345	
290	..	13	..	Latona	..	..	325	320	318
291	..	14	..	Carlota	..	..	204	203	..
292	..	15	..	Lafayette	..	..	448	441	438
293	..	16	..	Cabo de Africa	..	..	162	101	95
294	..	17	..	Flor de Tejo	..	..	417	417	..
295	..	18	..	Providencia	..	..	198	193	193
296	..	19	..	Amelia	Brig	..	359	345	341	
297	..	20	..	Primorosa	Schooner	..	182	186	186	
298	..	21	..	Vibora de Cabo Verde	..	..	272	221	217
299	..	22	..	Don Francisco	Brig	..	443	443	..	<p>Grand total number registered, up to this day 44,980</p>
300	..	23	..	Florida	Schooner	..	280	277	..	
301	..	24	..	Felicidade	Brigantine	..	337	281	274	
302	..	25	..	Traga Milhas	Schooner	..	288	280	..	
303	..	26	..	Legreira	..	..	313	280	272
304	..	27	Brazilian.	Incomprehensivel	Ship	..	696	596	578	Total 5,370

Second Enclosure in No. 8.

Extract of a Letter, dated Rio Nunex, August 8th, 1837.

THE Slave Trade in the rivers between Sierra Leone and the Gambia flourishes as ever; and I regret to say that this River, which has been free from the visits of slavers since the death of Powell, has been polluted with the visits of two within the last four months. The master of the one which arrived last, finding his consort in difficulty, and not likely to obtain the whole of his wretched cargo, refused to land anything from his vessel, until the first vessel had received the whole of his cargo stipulated for. After waiting in vain for this, the two vessels clandestinely dropped down the river in the night, and when they had proceeded some few miles below the town, the Spaniards detained every canoe they fell in with, taking out the free grumettas and passengers, and putting them in irons among the slaves. The slave-dealing gentry of the river, upon hearing this, have manned a number of canoes, and proceeded armed to attack the vessels and get back the free people; and at the moment I am writing I hear a cannonading and firing of musquetry. This event will, I fear, lead to disputes among the native tribes of this river, one of the many evils attendant on the slave-trade.

The Portuguese flag is as readily obtained as formerly by Spaniards and others, from the authorities at the Cape de Verd Islands, and at Bissao. There is now in the Rio Pongos a fine schooner, built at Baltimore, and launched about six months since, which was fitted out with a cargo and a complete slave equipment at New York, from which place she sailed under her national colours. After discharging her outward cargo in the Rio Pongos, she sailed for the Cape de Verd Islands. When at Porto Praya she obtained Portuguese papers, retaining, however, the American crew, and the American captain keeping virtually the command of the vessel; and I am informed, that it is the intention of the American to conclude the voyage in the vessel. I am also informed, and have every confidence in the truth of the information, that all the fine new vessels employed in the slave-trade, several of which have been captured and brought into Sierra Leone, were built at Baltimore, and openly fitted out with leaguers, irons, and other appurtenances for a slave voyage, at New York, and other ports in the United States, but principally at New York, without any molestation from the Government. Indeed the ship-builders at Baltimore are highly delighted at the stipulation in the late Treaty with Spain, by which all vessels condemned under Spanish colours are broken up.

There was lately, in the Rio Pongos, a Spanish schooner from Havana, called the "*Mannagana*," or some such name, which touched at Cape Blanco, with a view of purchasing a cargo of slaves from the Moors in that part; and the Spanish captain, I am informed, entered into an agreement with some Moors, who undertook to supply him with a cargo of 240 slaves in *four days*, and to furnish the schooner with wood and water in the same time. It appears the Moors were to receive no payment until they had completed their contract; and they sent hostages on board the schooner, while some of the Spaniards remained on shore. After two days had elapsed, and the Moors had nearly completed the wood and water necessary, some of the Spaniards on shore were detected intriguing with the wives of the Moors, which immediately led to a violent altercation, and ultimately to the breaking up of the contract. Now, if it was possible that the Moors could supply that number of slaves, and equip the vessel with wood and water in that short space of time, the success of the vessel's voyage would have led numerous others there, whose operations would have remained at least unchecked by any cruiser.

I have in a former letter alluded to the importance of this river as regards its trade, and as a direct and easy communication to the country of one of the most powerful tribes of Africa, the Foulahs, through whose territories pass the Mandingoes, the Serrakoolets, the Kankans, and other trading people, whether bringing their gold and ivory here for sale, or carrying it to Sierra Leone for the same purpose. Here the Americans and the French share with us largely the trade that is brought down. One great advantage of a peaceful and uninterrupted commerce with the natives, particularly those of the interior, is, that many valuable productions of the country, of which the natives themselves seem totally ignorant, are, by our research, brought to light, sometimes to their astonishment. This has

been particularly exemplified within the last two years in the article of coffee, of which it now appears there are, in the forests of the Foulah country and other parts from this latitude to Sierra Leone, vast quantities growing quite indigenous and in a state of nature, and which have been for years past food for monkeys and other animals, but by our search after produce have now become a source of great profit to the natives, and an article of export to Great Britain, France, and America. Twenty-five tons have been exported from this river this season; and the "Ursula," Mr. Proctor's vessel, has on board this voyage about 12 tons. A small quantity (about 3 tons) was sent to London last year, and, although not allowed to be entered for home consumption, sold in bond at prices nearly equal to the first class British plantation coffee, which at once stamps its good quality. That the natives, particularly the Foulahs, will eventually cultivate this article, I have no doubt, and its cultivation will greatly improve its quality; but the fatal Slave Trade is a bar to the peaceful pursuits of agriculture. If it were possible at this moment to put an effectual stop to the exportation of slaves from this coast, consequences the most beneficial and immediate would ensue; a sum of human misery, immense, unknown even to the many benevolent individuals who have devoted their valuable time for years in seeking to alleviate the sufferings of the unhappy African race, would be done away with.

I perceive by the printed correspondence A and B, which you sent me, how watchful, and properly so, is the Government after the welfare and liberties of the numerous negroes who have been released from slavery in the West Indies. The same watchfulness is equally necessary in this part of the world over those who, after obtaining their freedom, have thoughtlessly returned to Africa, expecting to find a home. I am led to this remark by a circumstance which has lately occurred here, and which shows how precarious are the liberties of an emancipated African when out of the pale of British protection. About two years since a Gambia vessel brought from Demerara some 8 or 9 self-emancipated blacks, among whom was a man of the Foulah tribe, who had formerly been made a captive in war and sold. Another was from some other part of Africa, who had been taught the art of a cooper, and by his industry had emancipated himself and his family, in all some 6 or 7 persons. Governor Rendall endeavoured to persuade these persons to settle at St. Mary's, but the cooper and his family were led away by the representations of a crafty Foulah man, and followed him to this place, where the Foulah man soon left them to join his family in the Foulah country. This fellow reported to the Foulah Alimamy, that the cooper's family was living in the Rio Nunez, and, according to their ideas, belonged to no one, and had no one to take care of them. Accordingly, some few days since, the Foulah chief of Labby, named Mahdhu, had the whole family seized, dispossessed them of their little property, stripped them of their clothes, and, with their arms pinioned, and tied together by the neck, drove them all, like so many cattle, into the Foulah country, except the old man, the cooper, who was detained, manacled by the legs, till some parties who were indebted to him paid their debts into the hands of Mahdhu. Neither Mr. Proctor nor myself knew anything of the circumstance until the poor creatures had been marched off a day. We however lost no time in calling together a meeting of all the proprietors of factories, French, Portuguese, and others, and then sent for the Foulah chief, to whom we explained that the people whom he had seized were true British subjects and belonging to the King of England, and that his carrying these people off into slavery would lead to a very serious palaver; that our King considered himself as much bound to protect these poor people as his white subjects, and that, unless they were brought back, the Governor of Sierra Leone, on his being informed of the circumstance, would make reprisals on all the Foulah headmen arriving in that country to trade. Mahdhu, in exculpation, stated, that, in seizing these people and sending them to Teembo, he had only acted in conformity with the order of his superior the Alimamy of Teembo. He at the same time promised to send a messenger to the Alimamy (which he has since done), to acquaint him with what the white people said respecting this palaver, but made no promise nor held out any hopes of these poor people being brought back. We are not at all sanguine that they will be restored, and I fear that nothing but the threat we held out being acted on in Sierra Leone will ever get these poor people their liberty again.

SIERRA LEONE. (*Spain.*)

No. 9.

Her Majesty's Commissioners to Viscount Palmerston.—(Received May 3.)

MY LORD,

Sierra Leone, Jan. 1, 1838.

IN pursuance of the 75th Clause of an Act passed in the 5th year of the reign of his late Majesty George IV., entitled, "An Act to Amend and Consolidate the Laws relating to the Abolition of the Slave Trade," we have the honour to enclose a Return of all cases of Spanish vessels adjudicated in the British and Spanish Mixed Court of Justice, from the 1st July 1837 to the 1st January 1838.

We have, &c.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 9.

Return of Spanish Vessels adjudicated by the British and Spanish Mixed Court of Justice, established at Sierra Leone, betwixt the first day of July 1837, and the first day of January 1838.

Names of Vessel.	Name of Master.	Date of Seizure.	Where captured.		Property seized.	Seizor.	Date of Sentence.	Number of Slaves Captured.	Number died before Adjudication.	Total Number Remanded.	Decrial part of sentence, whether Forfeiture or Restitution.	Whether property condemned has been sold or converted, and whether any part remains unsold, and in whose hands the proceeds remain.
			Latitude.	Longitude.								
"General Ricafort."	Carlos Martinez.	26th June 1837.	5° 19' N.	0° 5' W.	Brig and Cargo.	Samuel Mercer, Esq., Her Britannic Majesty's Brig, "Charybdes."	25th Aug. 1837.				Condemned for being engaged in the illicit traffic in slaves.	Vessel, cargo, and stores sold at public auction, and the proceeds paid into the Military Chest.

Sierra Leone, 1st January, 1838.

(Signed) H. W. MACAULAY.

WALTER W. LEWIS.

(Signed)

M. L. MELVILLE, REGISTRAR.

No. 10.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received May 3, 1838.*)

My Lord,

Sierra Leone, 1st January, 1838.

ENCLOSED we have the honour to transmit to your Lordship an Abstract of the Proceedings in the British and Spanish Mixed Court of Justice established here, between the 1st January and the 31st December 1837.

The number of vessels adjudicated by the above Court was 8, all of which were condemned. Five cases were prosecuted for being equipped for the Slave Trade; and from the remaining 3, which had cargoes of slaves on board at the time of capture, four hundred and thirty-six slaves were emancipated at the time of condemnation.

We have, &c.

(Signed)

H. W. MACAULAY.

WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 10.

Abstract of the Cases adjudicated in the British and Spanish Mixed Court of Justice, established at Sierra Leone, for the Suppression of the Slave Trade, during the year 1837.

Sierra Leone, 1st January, 1838.

1. THE Spanish Brig "*San Nicolas*," Angel Cassamilia, Master, belonging to the port of Trinidad de Cuba, cleared out in October, 1835, ostensibly for a voyage of lawful commerce to St. Paul de Loando, New York, and St. Thomas. Instead of proceeding direct to Loando, the "*San Nicolas*" went to New York, where she remained some time, and it appeared was altered from her original rig of a schooner to that of a brig. Some cargo was shipped, and this vessel then sailed for Danish St. Thomas, where her outward lading was completed. The "*San Nicolas*" left St. Thomas on the 26th April, 1836, and without any regard to her official Papers at once proceeded, as was seen by the vessel's Log-book, to the river Sherbro, where she anchored on the 7th June, 1836. No reason is assigned in the log for going into this very notorious slaving port in violation of her clearances; but the disembarkation of the cargo was immediately commenced, and the affairs of the vessel apparently conducted, as though it had been originally intended to dispose of the outward, and procure the homeward, cargo at that spot.

Six months from the time alluded to, the "*San Nicolas*" was occupying the position she had taken up on her arrival in the Sherbro, being then with every article of cargo landed from her, as well also as all her stores, most of her sails, many spars, and nearly every thing else which was moveable. In this condition she was found on the 2nd December, 1836, by Lieutenant Glasse, the Commander of Her Majesty's brig "*Rolla*," who, having very carefully examined her equipment, was of opinion, that it was objectionable, according to the meaning of the 10th Article of the Treaty between Great Britain and Spain, of the 28th June, 1835; and he in consequence detained the "*San Nicolas*," and sent her to this colony for adjudication, where she arrived on the 10th January, 1837.

Two days subsequently the Case of this vessel was prosecuted in the British and Spanish Mixed Court of Justice on the following charges, as stated in the Declaration of the Seizing-Officer, that the "*San Nicolas*" had hatches of open gratings instead of close hatches, such as are usual in merchant-vessels; more bulkheads in the hold than were requisite for the purposes of lawful trade; and a small portion of a slave-deck and fittings on board.

To support the Captor's charges, a survey, such as is usual in all cases involving questions of illegal equipment, was in this instance asked for and granted, the sworn Report upon which established that the "*San Nicolas*" main hatchway was much larger than is usually seen in merchant-vessels of her class, and that it was fitted with hatches of wood grating, which were, however, lightly boarded over. The main hatchway was found in the "*San Nicolas*" to be in the place where the fore hatchway is in merchant-vessels of her size, and was pronounced to be equal in extent to a fore and main hatchway together. The number of bulk-heads standing in the hold of this vessel the Surveyors reported were not more than usually found in vessels of this class, when employed in lawful trade. The plank which was met with was no more than what was requisite for the probable repairs of the vessel during the lengthened voyage in which she was engaged, and was not prepared as a deck. There was a shifting deck in the fore-castle, the place usually occupied by the crew of all vessels. The front part of the cabouse appeared to be of an ordinary description; but the back part of it was adapted for the reception of a boiler capable of cooking provisions for a meal for 400 persons.

On the part of the Claimant (the Master of the detained vessel), little was attempted in the way of explanation. The Master very briefly observed, that he was ignorant why his vessel was provided with the illegal main hatchway previously described; but supposed that the brig had been so fitted, when she was a Columbian privateer, on account of the number of her men. One of the witnesses for the defence, a seaman named Ribeiro, swore that, when the "*San Nicolas*" was seized, she was then in precisely the same state as when he knew her as a privateer, with the exception of wanting a revolving-gun; and that he knew the main hatchway had been fitted with open gratings, when the brig was in that employment. This formed the material part of the defence of the Claimant.

Although the Master was the principal witness in support of the claim which he had made in the case, the other witnesses professing to be ignorant upon the most important points on which they were questioned, their replies, when examined upon the interrogatories framed under the Equipment Article of the Treaty, however, were such as to arouse suspicion, and particularly as regarded the means which the detained vessel originally had on board for carrying water, which the Master and

one of his sailors stated were in casks and staves for casks, equal to the number commonly found on board vessels laden with slaves.

In respect to the nature and object of the voyage in which the vessel had been seized, the Claimant's statements were contradictory and unsatisfactory. At the time of detention, he stated he was in a voyage from St. Thomas' to Trinidad de Cuba; at his examination on the Standing Interrogatories that he did not know where the voyage was to end; and in his claim and affidavit in support of it, that he was in a "trading voyage along the coast;" whilst the official Papers of the vessel showed she was only at liberty to go to Loando. All the Papers which would have cleared up this point, as well as some others, namely, the Clearance, the Bill of Lading, and the Charter-party, were lost in the *Sherbro*, according to the Master's own account; and he neglected to produce before the Court the supercargo, who was stated to have been left at *Sherbro*, and who might have been brought here without any difficulty, as well as in any manner satisfactorily to account for the absence of one who would have been, in all probability, an important witness. No return cargo was shown to have been collected, notwithstanding the vessel had been 6 months in the *Sherbro*, with the avowed intention of trading "in the produce of the country, if possible."

The history of the brig's proceedings in the *Sherbro* could not be discovered by means of her Log-book, as that was also lost with the other Papers before mentioned. The ownership of the vessel was declared to be in the Master, who swore that he gave 2000 dollars for his purchase; the party from whom he bought the brig, immediately after assisting him in obtaining freight for the voyage in which she had been seized for the heavy sum of 5,500 dollars.

Taking into consideration all the circumstances of the Case, the Commissioners who tried the Case (His Excellency the Lieutenant-Governor and Her Majesty's Arbitrator), were of opinion that it had been proved, that the "*San Nicolas*" was unlawfully equipped when seized by Her Majesty's brig "*Rolla*," and that the Claimant had entirely failed in establishing to their satisfaction that the vessel when detained was employed in some lawful pursuit, and a sentence was in consequence pronounced of confiscation of the Spanish brig "*San Nicolas*," and her fittings, at the sitting of the Mixed Court on the 2nd January, 1837.

2. The Spanish pilot-boat "*Lechuguino*," José Mauri, Master, cleared from St. Jago de Cuba in April, 1836, for a voyage to the Cape de Verde Islands and St. Thomas.

This vessel touched at the Cape Verdes on coming across the Atlantic, and remained a very few days there. As no cargo was embarked at that place, it may reasonably be inferred that so experienced a person in the African Slave Trade as the Master of this vessel did not deviate from his direct route to the Rio Pongas, whither it subsequently appeared he was bound, without a sufficient object, and which we can only imagine to have been to place the vessel under the Portuguese Flag. Whatever might have been the object of going there, it does not appear to have been accomplished, as, after a stay there of 2 days, the schooner proceeded direct to the Pongas, where she was found at anchor off the town of Bangalang on the 27th December, 1836, with 49 slaves on board, by Her Majesty's brig "*Rolla*," the Commander of which cruiser sent her here for adjudication.

The prosecution of the "*Lechuguino*" before the British and Spanish Mixed Court of Justice commenced on the 3rd, and terminated on the 10th January, 1837, the evidence adduced exhibiting all the usual features of open violation of the provisions of the Treaties for the Suppression of the Slave Trade, to be found in most of the cases of Cuba vessels brought before the Court, a sentence of condemnation of the vessel and her cargo was accordingly pronounced, and the emancipation of the 49 slaves seized on board of her at the same time decreed.

3. The Spanish schooner "*Experimento*," Joaquin de Andricain, Master, was found on the 27th December, 1836, by the Commander of Her Majesty's brig "*Rolla*," Lieutenant Glasse, at anchor off the town of Saraby, in the Rio Pongas, in charge of the Boatswain of that vessel, and with Spanish colours flying. No Papers were discovered on board of her, and the Boatswain, in explanation to Lieutenant Glasse, stated that the "*Experimento*'s" official Papers had been taken on shore by Andricain, the Master of her, who was residing in the native town of Saraby. Andricain, on application, having refused, on the plea of illness, to repair on board of his vessel, and declining to give up the schooner's Papers, the Commander of the "*Rolla*," detained the "*Experimento*," as a Spanish vessel illegally equipped, and proceeded with her to Sierra Leone.

Immediately on the arrival here of the detained schooner on the 2nd January, 1837, the usual measures were adopted in the prosecution of the "*Experimento*" as a Spanish vessel, her title to which character was plainly established by the evidence received on behalf of the captors. It appeared that Joaquin Andricain, the Master, was also the Owner of the "*Experimento*," which vessel he had fitted out in July, 1836, and obtained from the Authorities at that Port Spanish Papers for her.

The charge of unlawful equipment which was proved against this vessel, consisted of her having more water-casks than she required as a merchant-vessel, and which casks had not been cleared out at the Custom-house whence she sailed; of having a far greater quantity of fresh water on board than was requisite for her crew; and a cabouse adapted to receive at the back of it a slave-boiler.

The evidence in the case having clearly shewn the "*Experimento*" to have been, at the time of her seizure, a Spanish vessel, and therefore within the jurisdiction of the British and Spanish Mixed Court of Justice, on a charge of illegal equipment, and that charge having been distinctly made out, without even an attempt at a defence or explanation, the Court decreed the confiscation of this vessel, at its sitting on the 12th January, 1837.

4. The Spanish schooner "*Gata*," José Vicente Larrazabal, Master, was cleared out from Havana in June, 1836, for a voyage of legitimate commerce to the river Bonny. On leaving Havana this vessel was compelled to put into Charleston to repair damages said to have been sustained from the heavy weather met with in the voyage. Thence the "*Gata*" proceeded to the Cape de Verde Islands for wood and water, as it was alleged, and ultimately to the destination, expressed in her official papers, the river Bonny. At that notorious slave-mart the "*Gata*" received, on the 5th December, 1836, a cargo of slaves on board, with whom she was captured by Her Majesty's ship "*Scout*," Commander Craigie, in the evening of that day, at the entrance of the Bonny, when attempting to leave the river on her return voyage to Cuba.

On the 4th January, 1837, the detained vessel arrived here, and on the following day the prosecution of her commenced before the British and Spanish Mixed Court of Justice, on a charge of having been employed in the unlawful traffic in Slaves, which the evidence clearly established, and on the 12th January she was in consequence declared to be good and lawful prize to the Governments of

Great Britain and Spain, and the survivors of her slaves, in number 101, were emancipated from slavery.

5. The Spanish schooner "*Descubierta*," Pablo Pla, Master, belonging to the Island of Porto Rico, where she was built, cleared out thence for the Islands of Prince's and St. Thomas' for a voyage of lawful commerce.

She was detained at the entrance of the river Bonny by Her Majesty's sloop "*Scout*," Robert Craigie, Esq., Commander, on the 14th January, 1837, in consequence of her equipment being in that Officer's opinion, questionable. After a tedious voyage, the detained vessel reached Sierra Leone on the 29th March, and was prosecuted on the charge of illegal equipment, which was established in the most distinct manner by the evidence produced on the behalf of the captors. No information was afforded by the Master as to the cause of his vessel being fitted in a manner prohibited by the Treaty between Great Britain and Spain of the 28th June, 1835, and the Court therefore pronounced her a good prize to the two Governments, at its sitting on the 20th April, 1837.

6. The Spanish schooner "*Cinco Amigos*," Pedro Ferrer, Master, was detained off New Sestós, on the 30th March, 1837, by Her Majesty's brigantine "*Bonetta*," Lieutenant H. P. Deschamps, Commander, on a charge of being illegally fitted. The detained vessel arrived here on the 8th April, and 2 days subsequently thereto proceedings were commenced against her in the British and Spanish Mixed Court of Justice, which ended in clearly establishing that the "*Cinco Amigos*" had violated the Equipment Article of the late Treaty with Spain in no less than 5 Sections.

No attempt was made by the Master to establish that the vessel was, at the time of her seizure, employed in some lawful pursuit, and she was in consequence pronounced, on the 20th April, 1837, by the said Court, to be confiscated, for having been illegally equipped at the time of her detention.

7. The Spanish schooner "*Dolores*," Francisco Canal, Master, belonging to the port of Havana, cleared out thence in October, 1836, for a lawful commercial voyage to this coast, as appeared from all the official papers with which she was provided at Cuba. Her course, after leaving Havana, was direct to the Old Calebar River, where the outward cargo was at once bartered for 314 slaves. Thus laden, the "*Dolores*" left the Old Calebar on the 14th April, 1837, but was happily intercepted 5 days afterwards by Her Majesty's brigantine "*Dolphin*," the Commander of which cruiser despatched her in charge of a Prize-officer to this colony, where she arrived on the 14th May, 1837.

The usual proceedings were instituted against the vessel on the 15th May, and on the 22d following they were concluded, establishing in the clearest manner the charge brought against her of having violated the existing Treaties between Great Britain and Spain respecting the Slave Trade. The "*Dolores*" was accordingly condemned on the 23rd May, 1837, and the survivors of the slaves seized on board of her, amounting to 286, emancipated from slavery.

8. The Spanish brig, "*General Ricafort*," Carlos Martinez, Master, was a vessel belonging to the port of Havana, and originally employed in the trade between Cuba and Bremen.

On the 26th June, 1836, this vessel was met with near to British Acra by Her Majesty's brig "*Charybdis*," Lieutenant Samuel Mercer, Commander, who detained the "*General Ricafort*" on a charge of unlawful equipment, in having a small part of a slave-deck laid, and spare planks on board, adapted in the captor's opinion, for completing the same the whole length of the vessel.

The detained brig reached this port on the 15th July, 1837, and 4 days afterwards proceedings were instituted against her in the British and Spanish Mixed Court, which were concluded on the 25th August.

The result of this investigation was the establishment, to the satisfaction of the Court, that at the time of the detention of the "*General Ricafort*" she had a part of a slave-deck laid, and spare planks suited for the completion of the same about half the length of the vessel; and that she was provided with a bag of forelocks for slave-shackles, both of those articles being prohibited according to the 10th Article of the Treaty of the 28th June, 1835.

In the defence of the vessel the Master and Claimant urged, that the small loose deck which had been laid was for stowing the brig's provisions upon; that the spare planks had been expressly shipped for the preservation of a large quantity of roll-tobacco found on board as cargo, without which it could not have been safely stowed; and that the bag of forelocks, which had been discovered subsequent to the detention, were not for slave-shackles, but for the shackles of the topsail-sheets, for which purpose, however, on examination, they were found to be unadapted, whilst they were readily fitted to some slave-irons furnished from the stores of the Court for the purpose of the experiment.

The Master's explanation as to the spare planks found in his vessel was not more satisfactory than that respecting the forelocks; for it was in evidence from disinterested witnesses that it is not usual, neither is it necessary, to have planks of the kind in question for the stowage of roll-tobacco; and the Prize-officer proved that the planks were not used for the purpose alleged by the Master at the time of seizure; as the tobacco was found by him stowed without anything between it and the ceiling of the vessel. The placing of these planks amongst the other part of the cargo, the necessity for which was not even asserted, was held by the Court as having been resorted to for the purpose of secreting them, and which could only have been requisite with a vessel in a slaving voyage. That the brig was intended to carry off a cargo of slaves, the Court considered was to be inferred from the facts established of her having been provided with 2 large medicine-chests, of the description invariably to be met with in slave-vessels; that arrangements existed in the vessel's hold for the reception of a slave-deck; that accommodation was on the upper deck for carrying a very large quantity of water, which could not have been needed by a vessel employed in the general trade of this coast, and, therefore, that she must have been so fitted for carrying slaves; and that the wages promised to the crew were at the very high rate common only in slaving adventures.

The outward cargo of the "*General Ricafort*" having been consigned to a notorious slave-dealer at Lagos, also supports the opinion of her having been destined to carry a human cargo in return.

The assertion of the Master, that the loose deck, marked and numbered as slave-decks usually are, should have been placed in the hold of a Spanish vessel going from Havana to Lagos, under the command of a person acquainted with the terms of the Treaty of June, 1835, merely to stow the ship's provisions upon, the Court considered was so unreasonable as not to be worthy of attention.

On the 25th August, 1837, the condemnation was pronounced of the "*General Ricafort*," her cargo and stores, as good and lawful prize to the Governments of Great Britain and Spain, for having been equipped, at the time of her seizure by Her Majesty's brig-of-war "*Charybdis*," in an unlawful manner.

H. W. MACAULAY.
WALTER W. LEWIS.

SIERRA LEONE. (*Portugal.*)

No. 11.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 7.)

MY LORD,

Sierra Leone, 14th November, 1837.

WITH this Despatch we have the honour of transmitting to your Lordship our Report of the case of the Portuguese schooner "*Vibora de Cabo Verde*," brought before the British and Portuguese Court of Mixed Commission, on a charge of illicit slave-trading, and condemned on the 13th instant.

The "*Vibora de Cabo Verde*" was detained by Her Majesty's brig "*Water Witch*," on the 28th September last, with a cargo of 269 slaves on board, when off Fernando Po, in an ostensible voyage from Bimbia (near the River Cameroons), to Rio de Janeiro; and was then despatched to this Colony for adjudication.

On the passage of the "*Vibora de Cabo Verde*" to this Port, which occupied 37 days, the negroes suffered severely from disease, no less than 46 of them having died, and 23 being ill on their arrival here.

There is every reason to believe, that this vessel was the American schooner "*Viper*," mentioned in the despatch of Her Majesty's Commissioners at Havana to your Lordship, dated the 25th October, 1836, as having cleared out thence under the direction of the French house of Forcade and Company, equipped for the Slave Trade, and destined to the Cape de Verdes, where the Commissioners surmised she would undergo a nominal transfer to the Flag of Portugal. That such was ultimately the case we think will be evident, from the facts stated in our Report of the condemnation of this vessel, to which it will not be necessary further to allude in this Despatch, than by mentioning, that Joao Jozé Claudio de Lima, whose name has so repeatedly appeared in similar cases to the present, reported by us to your Lordship, is described in the Passport from the Cape de Verdes, as the Owner of this vessel; and that in contradiction of this Official Statement, the late Master of the vessel swore, in the most positive manner, that he was sole Owner of both vessel and cargo; the former of which he bought in June last, of an American, when at the Cape de Verdes, whose name he has never heard, and from whom he took no Bill of Sale. With such palpably gross false swearing as this, are met most of our attempts to arrive at the true state of the Cases, brought before us for adjudication.

In the course of the examinations, the Master stated to the Registrar, that he has been three times brought into Sierra Leone, in captured slave-vessels, and although he has been twice here within the last twelve months, he expressed his determination of immediately engaging in the same traffic. He was formerly Boat-swain of the Portuguese slave-ship "*Quatro de Abril*," reported by us on the 8th December, 1836; since which he has dropped the surname of Rafael, which he then used. The Master added that he quitted Sierra Leone in March last, in a brig belonging to Pedro Blanco, of the Galinas, and which was commanded by the very notorious Miguel Bertinote, whose character has been described in our Despatch of the 7th December, 1836, and who, there is every reason to believe, carried off a full cargo of slaves to Cuba from Blanco's establishment at Galinas.

The vessel which Bertinote last purchased, was the Portuguese slave-brig "*Esperança*," condemned here on the 4th March, 1837, and which cleared out hence for Havana on the 5th of last April in ballast.

In the ship's papers of the "*Vibora de Cabo Verde*," she is stated to have been bound to Rio de Janeiro; but both witnesses declared, that, when seized she was proceeding to Havana. After she left Cuba, her rig was altered slightly, in all probability for the purpose of creating a wrong impression as to her identity; respecting which, however, there can exist little doubt, when the several circum-

stances to which we have alluded are associated with her continuing to bear, after the change of nationality, the name of the "*Viper*," and having a figure-head suitable to such title.

We have, &c.

(Signed)

ROBERT RANKIN.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G. C. B.
&c. &c. &c.

Enclosure in No. 11.

Report of the Case of the Portuguese Schooner "Vibora de Cabo Verde," Joaquim Antonio, Master.

This slave-vessel procured her ship's papers at the Cape de Verd in June last, under those circumstances of suspicion which would from past experience originate the inference that the "*Vibora de Cabo Verde*," like many other Cuba vessels detected with slaves under the Portuguese flag during the past and present years, had only repaired thither to obtain the well-known protection from seizure of this assumed nationality. This conclusion is strengthened by the contradictory statements of the vessel's destination, the passport stating her to be bound to Rio de Janeiro, whilst both witnesses declared on their examination, that Havana was the port at which the voyage would conclude; as well as by the very questionable circumstance of the notarious Joaô José Claudio de Lima, of the Cape de Verds, being the declared owner of the detained vessel in her passport. The documents granted by the Portuguese authorities are of the usual limited nature, and consist only of a passport and muster-roll, both under the same date.

From Cape de Verd the vessel sailed at once to Bimbia near the Camaroons, and exchanged the outward cargo for one of slaves. On the return-voyage the hitherto successful slaver was met with, and detained by Her Majesty's brig "*Water Witch*," off Fernando Po, on the 28th September last, having on board 269 Africans.

The arrival of the "*Vibora de Cabo Verde*" was notified to the Mixed Court by the Marshal, on the 4th instant, when the Surgeon likewise made his report as to the health of the slaves. The most prevailing disorder amongst negroes, the dysentery, had carried off no less than 46 of this cargo in the passage hither; and 23 cases were selected for hospital treatment. The Surgeon also felt it necessary to urge the speedy landing of the slaves, from the confined state of the vessel; but as the schooner only anchored in this harbour late on the Saturday afternoon, this recommendation could not be carried into execution until the following Monday, when, with the concurrence of the Colonial Government, the disembarkation was effected. On the above day the vessel's papers were filed in Court, and the usual preliminary proceedings—the issue of the Monition, and the order for the evidence to be taken—were proceeded in.

The captor, Lieutenant William Dickey, declares that capture took place on the 28th September, off Fernando Po, and that the vessel was bound to Havana with a cargo of 269 slaves, said to have been shipped at Bimbia. Allusion is also made to the sickly condition of the male slaves from dysentery.

The Registrar examined the Master and the Cook, José Sacramento, on the 6th instant. The former deposed that "he was born at Lisbon, and lives there; is a subject of Portugal; served on board an English man-of-war (the "*Maidstone*" frigate) for two years, during the American war; is not married. He appointed himself to the command, being owner. Possession was given to witness at the Cape Verds about four months since, by an American, whose name he does not know, having never heard it. First saw the vessel in Havana about five months ago; she was built at New Orleans. He was present when the vessel was captured for having slaves on board; had no colours but Portuguese. The vessel is called "*Vibora de Cabo Verde*," does not know whether she ever had any other name. She is 100 tons burthen, and had 21 officers and mariners exclusive of witness, all Portuguese, except two or three Spanish seamen; all hired and shipped at Villa de Praya, Cape Verde, by witness about four months since. He is sole owner of vessel and cargo; none of the officers or mariners had any interest in either; was master as well: there was no passenger. The last clearing port was Porto Praya, and the voyage commenced there, and was to have ended at Havana. From Porto Praya the vessel went direct to Bimbia, where she remained about 55 days, and shipped slaves. The capturing vessel was first seen on the 28th of September, off Fernando Po, and capture took place within sight of that Island on the same day. There was no chase; it was quite calm. Witness was making the best of his way for Havana, and made every endeavour to avoid capture. There are no guns; there are a few muskets and cutlasses, and a little powder, for keeping the slaves under. There were no instructions for resisting or escaping capture, or for concealing or destroying any of the vessel's papers. He is sole owner of the vessel. There was no bill of sale; the price (5000 dollars) was paid down in cash at the time of purchase, and was a fair equivalent for the vessel. If restored, she will belong to no one but witness: there was no private agreement. He is sole owner of the cargo, as well as lader and consignee. Witness intended to have landed them at Havana on his own account and risk; and if restored, they will belong to no one else. The vessel came in ballast from Havana to Cape Verd; and, after witness purchased her, he took in a general cargo of trade goods at Porto Praya. The present cargo is slaves: 269 were shipped altogether; all from the shore; does not remember their particular descriptions. None died before, but 46 have died since capture; was taken after seizure to Sierra Leone. The papers found on board were, and are, all true and fair. No papers were destroyed, concealed, or made away with. He knows of the existence of no papers relating to vessel or cargo besides those delivered up; there was no log-book, there was no charter-party. Neither vessel or cargo is insured. The vessel was under witness's sole management. Bulk was broken in Bimbia."

In many respects the evidence of the Cook assimilated very closely to that of the Master. In regard to the place of shipment of the crew, and of the outward cargo of the vessel, the Cook's testimony was directly opposed to that of the Master; the latter having sworn that the whole of the ship's company, as well as the cargo, were embarked at the Cape Verds, whilst the Cook declared that he

and some other sailors shipped at Havana, where the cargo was received; and that the late Master came from Cuba in the said vessel as a passenger only.

By an affidavit filed on the 7th instant, it appeared that a mortality of 46 had occurred amongst the slaves during the time they were under the charge of the Prize-Officer.

The case being thus brought to a conclusion, its publication was petitioned for by the Captor's Proctor on the above date, and granted by the Court.

On the 13th instant the Monition in the case, which had issued on the previous 6th, was returned as having been duly executed, and the Court met, agreeably to a petition for the same, to adjudicate the vessel; when confiscation of the schooner and her cargo was pronounced, and the emancipation of the surviving 221 slaves, seized in the said vessel, was decreed.

Sierra Leone, 14th November, 1837.

(Signed)

ROBERT RANKIN,
WALTER W. LEWIS.

No. 12.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 27, 1838.)

MY LORD,

Sierra Leone, 24th November, 1837.

WE have the honour to acknowledge the receipt of your Lordship's Despatch of the 25th of September last, transmitting for our information a Copy of your Lordship's instructions to Mr. Consul Egan, respecting the countenance and assistance, which have so long been afforded to slave-vessels, by the Portuguese authorities at the Cape de Verd Islands.

For this communication, and for the directions given by your Lordship to Mr. Egan relative to his correspondence with us, we beg leave to thank your Lordship.

(Signed) We have, &c.
H. W. MACAULAY.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 13.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 27, 1838.)

MY LORD,

Sierra Leone, 30th November, 1837.

WE have the honour to transmit herewith our Report of the Case of the Portuguese brig "*Don Francisco*," condemned here by the British and Portuguese Mixed Commission Court on the 21st instant.

This vessel was seized so far back as the 25th April last, near to the island of Dominica, by Her Majesty's brigantine "*Griffon*;" but having been found in a perfectly unseaworthy state, the captor proceeded without delay to that island, when the negroes found on board of the detained vessel were disembarked on the 27th April.

At Dominica the captured brig was surveyed, and pronounced to be in an unfit condition to make the voyage to this colony for adjudication. An application was then made by the captor to the Vice-Admiralty Court at Dominica, to entertain this case, as far as regarded the sale of the vessel and her stores, which was complied with. To these proceedings, which have been set forth at length in our Report of the case, we beg leave to call your Lordship's particular attention.

The proceeds of the sale above alluded to having been left at the island of Dominica, we have directed the necessary arrangements for their being transmitted to us.

The papers and witnesses in the case of the "*Don Francisco*" only arrived here on the 12th instant, and came before the Mixed Commission on the following 14th.

(Signed) We have, &c.
H. W. MACAULAY.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 13.

Report of the Case of the Portuguese Brig "Don Francisco," Antonio Pereira Lisboa, Master.

The "*Don Francisco*" was a vessel belonging to the very notorious Francisco Felis de Souza, *alias* Char Char, the slave-dealer of Whydah, and was furnished with the necessary ship's papers, as a Portuguese vessel, by the Provisional Government of the Islands of Princes and St. Thomas, on this coast, in the month of July, 1836, and by which this vessel appeared ostensibly to have been bound on a voyage of lawful commerce from the Island of Princes to Havana, with leave to touch at any of the ports on this coast. The official papers in question consisted of

1. Passport;
2. Muster-roll; and
3. Fort-pass.

With these documents there was found a log-book of the voyage from Whydah towards Cuba, in which she had been so far successful as to have reached in safety the neighbourhood of the Island of Dominica, when she was detained by Her Majesty's brigantine "*Griffon*," Lieutenant D'Urban, Commander, for having a cargo of slaves on board. Lieutenant D'Urban found his prize in so unseaworthy a condition, that immediately after her detention the "*Don Francisco*" was carried into Dominica, that Island being at the time in sight. There the slaves were disembarked, and received into the care of the colonial authorities, and the vessel having been examined by competent surveyors, was pronounced wholly unfit for the voyage to Sierra Leone, where her adjudication was to take place before the British and Portuguese Court of Mixed Commission resident there.

On the detained vessel being pronounced unseaworthy by the surveyors at Dominica, Lieutenant D'Urban, it appears, resorted to the Attorney-General of that Island, for his professional advice as to the proceedings to be adopted in respect to his prize, and certain steps were then taken, upon which we will not now dwell, as they must be subsequently remarked upon at length in this Report.

The prize-officer of the "*Don Francisco*," bearing the papers seized on board of that vessel, and accompanied by the Master and Mate of her, in the character of witnesses in this case, reached this colony on the 12th instant, in Her Majesty's brig "*Harpy*."

Two days subsequently to the "*Harpy*'s" arrival here, the Captor's case against the "*Don Francisco*" having been prepared in the usual manner, was presented to the Court. The ship's papers authenticated by the prize-officer were then lodged in the Registry, together with the several Declarations of the seizing-officer as to the grounds of the detention of the "*Don Francisco*," the unseaworthy state of the vessel, and the ultimate landing of the slaves found on board of her at the Island of Dominica.

The Captor's first Declaration, dated on the 25th April, 1837, states that Her Majesty's brigantine "*Griffon*" having been on that day in latitude 11° 49' North, and longitude 60° 43' West, fell in with and detained the brig "*Don Francisco*," sailing under Portuguese colours, in an alleged voyage from Whydah to Havana with a cargo of slaves. The Captor also declared, that the "*Don Francisco*" when seized was in such a leaky condition, as to require the regular use of the pumps every other hour, and that the stock of water and provisions was unequal to the support of the negroes on board on their destined voyage to Havana. By the second Declaration of Lieutenant D'Urban, it appears, that the utter unseaworthiness of the vessel rendered it impossible for her to be sent to Sierra Leone, and that in consequence the slaves on board her were disembarked at Dominica on the 27th April last, with the consent of the President and Council of that Island. A third Declaration by the Captor was made at Dominica as to the state of the detained vessel, founded upon the information derived from a strict survey of the brig after the slaves had been disembarked at that Island. At this examination the detained vessel was found to be even in a worse condition than the Captor had anticipated, and the Shipwright and the two Master Mariners who made the survey, reported her to be in an unfit state to proceed to sea.

At this stage of the case, the Captor applied to the Attorney-General of Dominica for his legal assistance; and that gentleman, in consequence, petitioned the Vice-Admiralty Court of the Island on behalf of the Captor, to take cognizance of the case. This Petition sets forth the grounds of the detention of the "*Don Francisco*," and her leaky condition when captured, which had compelled the Seizor to run for the Island, and to land the slaves there; that the survey held on the detained vessel by three competent persons would prove that she was not in a condition to make the voyage thence to Sierra Leone, the place of residence of the Mixed Commission having jurisdiction in such cases; and that the Master of the detained vessel had formally acknowledged the legality of her capture and liability to condemnation, and had, as far as he could do so, relinquished and abandoned all claim to the said vessel and her cargo, on behalf of all interested therein.

The Attorney-General, therefore, submitted "that it would be for the advantage of all concerned were the said brig and her appurtenances directed to be sold by order of the said Court, the proceeds to abide the eventual Decree of the Court having jurisdiction in the premises;" and he accordingly prayed, that the sale of the detained brig and her stores might take place, "for the benefit of all parties concerned, the proceeds of such sale, after deducting the necessary and proper charges, to abide such Order as may hereafter be made touching and concerning the same by the said Mixed Commission, or other authority competent to take cognizance thereof."

The Judge's Order on this application was in the following words:—

"Under the circumstances stated in the foregoing Petition, and verified by the several Documents thereto annexed, the Court deeming it for the benefit of all parties concerned, doth hereby order the Marshal of this Court to reduce into writing a full and perfect inventory of the said brig '*Don Francisco*,' her tackle, apparel, and furniture, boats, stores, and appurtenances, and that he expose or cause the aforesaid slave brig, her tackle, apparel, and furniture, boats, stores, and appurtenances, to be exposed to Public Sale, at some short and convenient day, and that he sell, or cause the same to be sold to the highest bidder, in such lots and parcels as may be deemed most advantageous and beneficial; and that, after deducting all necessary and proper charges, he bring, or cause to be brought, the proceeds of such sale into the Registry of the said Court, within fifteen days from the date hereof, to abide such Order as may hereafter be made, touching and concerning the same by the Mixed Commission or other Court competent to take cognizance thereof; and also that he duly file, within the time aforesaid, the particular account of such sale, subscribed by him, in the said Court."

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D

The sale of the "*Don Francisco*" and her equipment then took place, and the accounts thereof, with the proceeds, were returned into the Vice-Admiralty Court, agreeably to the Order just quoted.

Upon this arrangement being completed, the Attorney-General made immediate application to the Court, for the proceeds to be paid into the hands of the Captor's Agent at Dominica, on the ground of there being charges connected with the capture of the said brig, besides those incurred in the said Court, which had been defrayed by the Captor, and for which he desired reimbursement from the proceeds. In compliance with this Petition, the Judge of the Vice-Admiralty Court ordered the Marshal to pay over the net proceeds of the sale of the said brig to Messieurs Dalrymple and Company, of Dominica, the Agents of Lieutenant D'Urban, in whose hands the balance now remains. All the Accounts connected with those transactions have been lodged, with the other Papers in the Case in the British and Portuguese Court here, and steps have been taken to obtain from Messieurs Dalrymple and Company the money now in their possession, of which a subsequent Report will be made, on the same being realized and applied in the usual manner.

The receipt of the Collector of Customs at Dominica for the slaves landed from the "*Don Francisco*" showed, that he had taken charge of 433 negroes on the 27th April last. It also stated that, on the 4th and 5th May following, the said slaves had been by the Collector apprenticed out to "sundry persons, able and willing to provide for them, agreeably to the Orders in Council, and for the term of seven years, under the 28th section of the Act 5th George the Fourth, caput 113."

It must be evident, on consideration, that neither the Orders in Council nor the Act of Parliament referred to, will justify the course pursued in this instance with respect to negroes, previous to their adjudication by a competent Court; and, had it been found necessary to decree the restoration of the slaves to their original owners, it would have been all but impossible, after such an appropriation of them, to carry the Decree of the Court into effect.

On the 16th instant, the Registrar examined on the Standing Interrogatories the Master and Mate of the captured vessel, who had been produced as witnesses in the case. The Master deposed, that "he was born at Lisbon, and lives there; has never served any State but Portugal; is not married. Was appointed to the command by the owner, Don Francisco Felis de Souza (Char Char); possession was given to him at Princes' Island in January last, by one Gabriel Giron, a Frenchman, the former owner; first saw the said vessel at Adjudah about 18 months since; believes her to have been built in France; was present when the vessel was captured with slaves aboard; had no colours but Portuguese. The vessel has always been called '*Don Francisco*' since he was acquainted with her; knows of no other name. She is 178 tons burthen, and had 22 officers and mariners exclusive of witness, all Portuguese, except a few Spanish seamen, all hired and shipped at Princes' Island by witness in January last. Neither he, nor any of the officers or mariners, had any interest in either vessel or cargo; was master aboard; there were two Frenchmen, passengers, embarked at Adjudah in March last, for a passage to Havana; does not know their names; they were traders on the coast, and had no authority on board, or concern in either vessel or cargo. The last clearing port was Princes' Island; the voyage commenced there, and was to have ended at Havana; from Princes the vessel proceeded to Adjudah, where her slaves were shipped, and she was on her way from thence to Havana when she was captured. The capturing vessel was first seen between Martinique and Dominica on the 25th May; capture took place there and then after a chase of eight hours; the vessel was steering for Havana at the time, and made every effort to escape. There are no guns or muskets, and only a few cutlasses and pikes to keep the slaves in order; no resistance was made; there were no instructions to conceal or destroy any of the vessel's papers. Don Francisco (Char Char) is sole owner of the cargo; knows it from having been appointed to the command by that person. Don Francisco is a Portuguese subject, and resides at Adjudah. There was no bill of sale that he knows of; the vessel was purchased at auction at Princes' Island, the price was about 12,000 dollars, and was all paid at the time in cash, and was a fair equivalent for the vessel; if restored, she will belong to De Souza, and to no one else; knows of no private agreement. De Souza was sole owner and lader of the cargo; the consignee at Havana was one Avreo; knows nothing further about him; the slaves were to have been landed on the coast of Havana on account and risk of De Souza, and if restored, will belong to him only. The last voyage was from Bahia to Adjudah, with rum and tobacco, shipped at the former place; the cargo on the present occasion was slaves; 439 were shipped altogether, all from the shore; does not recollect their descriptions; three died before capture, none after to his knowledge; the vessel was taken to Dominica, where she was sold by the Captors in consequence of her being very leaky. The papers found on board were and are all true and fair. No papers were concealed, destroyed, or made away with. There are no other papers in any country relating to vessel and cargo to his knowledge. There was no charter party. He is ignorant whether the vessel or cargo is insured; the vessel was under the management of De Souza in regard to her trade. The slaves were landed at Dominica by the Captors, on account of the leakiness of the vessel."

The evidence of Vicente Dos Santos, the Mate of the detained vessel, entirely corroborated that of the Master.

Publication was granted in the case on the 17th instant.

At the time of the seizure of this vessel it was alleged by a man of the name of Giron, a passenger on board that five of the slaves seized were his domestics. In order to clear up this point, an affidavit of the prize-officer was filed, which stated that, on the demand in question being preferred, Giron was asked for proof of the correctness of the same, which he was wholly unable to give, the said five slaves not having been entered on the Muster-roll, or any Passports furnished to them, whilst they had marks on their arms similar to the other negroes composing the cargo of the vessel.

The Monition in the Case was issued on the 14th, and returned duly certified into Court on the 21st instant, on which day the trial of this vessel took place, and a sentence of condemnation of the said vessel and her cargo was passed, with a Decree for the emancipation of the survivors on that date of the 433 slaves seized on board of her, and landed at Dominica.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

Sierra Leone, 30th November, 1837.

No. 14.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received Feb. 27, 1838.*)

MY LORD,

Sierra Leone, 30th November, 1837.

ON the 13th May last Her Majesty's brig "Harpy," whilst cruising in 14° 0' North latitude and 61° 0' West longitude, fell in with and detained the Portuguese schooner "*Florida*," in consequence of her having a cargo of slaves on board, with which she was then proceeding to Havana from Lagos, where the slaves had been embarked by and on account of Francisco Felis de Souza, who proved to be also the owner of the captured vessel.

The "*Florida*" when seized was found to be leaky, and greatly out of repair, and the captor was therefore induced to proceed with his prize to the neighbouring island of Grenada; where the negroes were disembarked. At Grenada a survey was held upon the detained vessel, when she was found so much out of repair, as to be wholly unfit for making the voyage to this port.

The captor, acting upon the recommendation of the Queen's Advocate, to whom he had applied for legal advice in the case, caused the "*Florida*," her stores and cargo, to be sold by Public Auction at Grenada.

The capturing ship arrived in this port on the 12th instant, and on the 14th the case of the "*Florida*" was presented to the British and Portuguese Court of Mixed Commission, by which she was adjudicated on the succeeding 21st.

Our Report of the condemnation of the "*Florida*," and the emancipation of the survivors on the day of trial of the negroes landed from her at Grenada, we have the honour of inclosing to your Lordship.

The net proceeds of the sale of the "*Florida*," her stores and cargo, not having been brought to this colony by the captor, we have taken the requisite steps for their being remitted here, to be disposed of in the usual manner.

This vessel, as well as the "*Don Francisco*," the adjudication of which is reported in our other Despatch of this date, were both owned by the notorious De Souza, of Whydah, and were condemned together.

The "*Florida*" was built in America, and sold by Messieurs J. A. Gordon and Pexcel Fowler, of New York, to De Souza, in May, 1835; and the delivery took place at Whydah in the following November.

It is worthy of being remarked, that the passport of this vessel, as well as that of the "*Don Francisco*," previously alluded to in this Despatch, was obtained at Prince's Island in the year 1836, in the name of De Souza, and for an ostensibly commercial voyage.

We have, &c.

(Signed)

H. W. MACAULAY.

WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 14.

Report of the case of the Portuguese schooner "Florida," Alexandre Balbino Proença, master.

THIS vessel was provided with a Portuguese passport by the provisional government of Princes' and St. Thomas' Islands in February 1836, in which Francisco Felis de Souza of Whydah was stated to be the owner of her, and that he purposed employing her in a voyage of lawful commerce, from Prince's Island to Bahia, touching first at some of the ports upon the coast.

After having attained the above mentioned passport at Prince's Island, the "*Florida*" would seem to have gone direct to Whydah, where a cargo of slaves was embarked, with which this vessel was so successful as to reach the Cuba market in safety. This opinion is founded upon the contents of two papers, which were among those taken possession of by the captor at the time of seizure. The papers in question were a protest against the consequence of the loss of a boat full of negroes, who were drowned on the 30th March 1836, whilst in the act of being shipped in this vessel; and the log-book of this vessel in a voyage from Havanna to the coast of Africa in the period from 18th May to 10th July 1836.

In September of last year, the "*Florida*" was found at anchor at Whydah by one of the British cruisers, and appears to have remained in that neighbourhood until March last, when another cargo of slaves was embarked, and she again proceeded towards Cuba.

This vessel had successfully eluded the vigilance of the squadron on this station, and had nearly reached her destined port in Cuba, when she was fortunately intercepted by Her Majesty's brig "Harpy," by which cruiser she was detained off the Island of Grenada, in consequence of having a cargo of slaves on board.

At the time of seizure; the "*Florida*" was found to be leaky, and in other respects, in a bad condi-

tion for sea, which circumstances, together with her having a human cargo on board, rendered it indispensable to put into the nearest port, which was that of Grenada. There the slaves were disembarked, and placed in the custody of the local authorities, and the vessel on examination was found to be unseaworthy, and she was thereupon sold on the authority of the seizer, who acted under the recommendation of the Queen's advocate of that island.

On the 12th instant, the capturing ship arrived in this port from the West Indies, bringing with her the ship's papers belonging to the detained vessel, and all the documents connected with the proceedings taken in the case at Grenada. These papers, together with the captor's declarations, were filed on the 14th instant, in the registry of the British and Portuguese mixed commission; at the same time, the usual monition issued, and the master and boatswain of the captured vessel, who were produced by the seizer as witnesses for the prosecution, were ordered for examination on the standing interrogatories.

The declarations of the captor were in this instance two in number, bearing date respectively the 13th and 20th of May last. These documents were, according to the forms directed to be used by the regulations for the mixed commissions, and contained the following particulars:—

That the capture of the Portuguese schooner "*Florida*," took place in latitude 14° 58' north, and longitude 61° 43' west, on the 13th May 1837, the said schooner being in a voyage from Lagos to Havana with a cargo of slaves; that the detained vessel was at the time leaky, her rigging out of order, and in other respects in bad repair; and that the extreme length of the voyage back to Africa, the confined space of the vessel, as well as the ill state of health of the negroes, (which latter particular was forcibly set forth in the certificate of the principal medical officer of Grenada, and the assistant surgeon of Her Majesty's brig "*Harpy*," annexed to the declaration,) led to their disembarkation on the island to which they were carried.

The receipt for the slaves landed from the schooner "*Florida*," was granted by the collector and comptroller of the customs of Grenada, in the capacity of "Guardians appointed by decree of the Court of Chancery" of that island, and stated that there had been received by them 56 females, and 224 males; and that 112 of the adult males had voluntarily entered the 1st West Indian regiment at Trinidad.

The practice of thus disposing of negroes previous to their adjudication, and in anticipation of their eventual emancipation by the Court of Mixed Commission, may lead to inconveniences, which are too obvious to require particular remark.

The survey held upon the detained vessel at Grenada, which was conducted by the masters of two British merchantmen, and described her as unfit for the voyage to this port, was lodged in the court, together with the written opinion of the Queen's advocate, as to the course to be pursued by the captor in respect to his prize, and the accounts of the sale of her under the captor's directions.

On the 16th instant, the master and boatswain were examined in this cause before the registrar, when the master gave the following replies to the standing interrogatories:—"That he was born at Lisbon, had no regular place of abode, last lived at Bahia for about 18 months; has never served any state but Portugal; is married; his wife and family reside in Lisbon. He appointed himself to the command being owner; possession was given to witness at Adjudah, about 2 years and a half since, from the former owner, an American, whose name he does not remember, but it is in the vessel's papers; first saw the vessel there and then; she is American built. Was present when the vessel was captured with slaves aboard; had no colours but Portuguese. The vessel has never had any name but "*Florida*," she is about 88 tons burthen, and had 18 officers and marines, exclusive of master, part Portuguese and part Spaniards; all hired and shipped at Lagos by witness, in March last. Is part owner of the vessel, and sole owner of the cargo; none of the officers or mariners had any interest in either vessel or cargo. Was master aboard; there were 6 passengers, Spanish seamen, belonging to vessels that had been captured on the coast; does not know their names, or the names of the vessels they belonged to; witness took them aboard at Lagos for a passage to Havana, in March last; none of them had any authority aboard, or concern in either vessel or cargo. The last clearing port was Prince's Island; the voyage commenced at Lagos, and was to have ended at Havana; from Lagos the vessel went to Princes, where she got her papers, and then returned to Lagos, where she shipped slaves; and was on her way to Havana when she was captured. The capturing vessel was first seen on the 12th May, between St. Lucia and Martinique; capture took place after 11 hours' chase, at 4 o'clock in the afternoon of that day; the vessel was steering for Havana when pursued, and endeavoured to escape. There were no guns, nor any arms or ammunition; there were no instructions to resist capture, or to destroy any of the vessel's papers. The vessel is the joint property of witness and Francisco Felis de Souza (Cha Cha), a Portuguese subject, and a resident of Adjudah. There is a bill of sale amongst the papers delivered up. Witness's name does not appear in it; but he is nevertheless proprietor of one half the vessel, and if restored she will belong to witness and de Souza, and to no other person; there was no private agreement to restore the vessel. He is himself sole owner, lader, and consignee of the cargo; the slaves were to have been landed at Havana on witness's account and risk, and if restored will belong to him only. The cargo of the vessel on the former voyage was flour, tobacco, &c., from Baltimore; that, on the present occasion, was slaves, all shipped from the shore at Lagos,—296 were taken aboard altogether; does not know their descriptions; about 16 died before capture; cannot say whether any have died since; after seizure the vessel was taken to Grenada. The papers found on board were, and are, all true and fair. No papers were destroyed, concealed, or made away with; know of the existence of no other papers relating to vessel or cargo. There was no charter-party. Neither vessel nor cargo is insured; the vessel was under witness' management in regard to her trade. The slaves were disembarked at Grenada by the captors; does not know for what reason; there were three black men who were witness's private property,—one his domestic for 11 years, and the other two who had sailed with him for eight years,—detained by the captors against their will, and sent ashore with the cargo at Grenada, as part and parcel of the slaves seized in the vessel. Witness exhibited a passport from Bahia (1st July 1834) for one, and stated his name to be Nuno, and that he, as well as the other two (Alexander and Joao) were on the muster-roll as part of the crew."

The Boatswain of the "*Florida*" did not in his evidence materially differ from the statements of the Master, except as regarded the time and place of the shipment of the crew, the Master declaring, as to the former, that he shipped his crew in May last at Adjudah, whilst the Boatswain was positive that part of them had been embarked at that place two years previously, and that the remainder were engaged at Prince's Island in May 1836, the time at which the passport of the vessel was obtained.

The Master's assertion that he owned the cargo was positively contradicted by the Boatswain, who swore that the slaves belonged to De Souza, a circumstance more than probable, when it is remembered that De Souza owned the vessel, and that his whole occupation is the purchasing and selling of negroes. The Officer who had charge of the Prize in her passage to Grenada, made affidavit on the 16th instant, that during the period named 3 of the slaves of the detained vessel had died.

Publication in the cause passed on the following day, and, in conclusion of the proceedings, a joint affidavit of the captor and Prize-officer was received in reply to a charge preferred by the Master, at his examination by the Registrar, of 3 slaves, who had been his domestics, having been forced on shore against their will at Grenada by the seizer. This allegation was satisfactorily rebutted by the affidavits in question.

On the 21st instant the monition in the Case was returned, duly certified by the Marshal, and on that day the British and Portuguese Court of Mixed Commission sat for the trial of this vessel, and passed a sentence upon her of confiscation, decreeing at the same time the emancipation of the survivors, on that date, of the 280 slaves landed at the Island of Grenada.

Sierra Leone, 30th November 1837.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

No. 15.

Her Majesty's Commissioners to Viscount Palmerston.—(*Received Mar. 16, 1838.*)

MY LORD,

Sierra Leone, 16th December, 1837.

The Portuguese brigantine "*Felicidade*," Joao Jozé Pereira, master, having on board a cargo of slaves, with which she was proceeding from the river Bonny to Havana, was seized on the 4th ultimo, near to that river, by Her Majesty's brigantine "*Bonetta*," and arrived here for adjudication on the 2nd instant.

This vessel was condemned, and the surviving negroes of her cargo emancipated from slavery on the 9th instant, the particulars of which are set forth at length in our Report of this case, which we have now the honour of transmitting to your Lordship.

In the evidence given by the master of the "*Felicidade*," he declares himself to have been owner of both vessel and cargo, and that the last voyage was direct from Havana to Bonny; statements which are at variance with the passport and log-book of this vessel, the former of which names Antonio Teixeira Guimaraens as the owner of her, and the latter shows that, instead of the "*Felicidade*" having proceeded straight to the Bonny, she went first to the Cape de Verde Islands, where she remained a week, and thence proceeded to the Bonny. What object the master could have in view in such palpable false swearing is not easily discoverable.

We have, &c.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 15.

Report of the Case of the Portuguese Brigantine "Felicidade," Joao Jozé Pereira, Master.

THE "*Felicidade*" was a vessel apparently belonging to a Portuguese resident at Bahia, named Antonio Teixeira Guimaraens, who obtained a Passport for her from the Portuguese Consul-General at Rio de Janeiro, in May, 1835, for a voyage from Bahia to Cadiz, *via* Havana.

This voyage was evidently not prosecuted, as the note on the Passport respecting having visited Havana is under date of the 24th May, 1837, when she is stated to have cleared thence for Prince's Island and the Bonny. The only other indorsement on the Passport shows, that the "*Felicidade*" was at Prince's Island in April, 1836.

At the time of the seizure of this vessel there were found, with the above-mentioned Passport, a muster-roll and a log-book of the voyage from Havana to Bonny, by way of the Cape de Verde Islands, where she stayed a week.

The "*Felicidade*," after remaining upwards of 3 months in the river Bonny, shipped a cargo of slaves, and commenced the return voyage to Cuba, on the second day of which she was fallen in with, and detained by Her Majesty's brigantine "*Bonetta*."

On the 2nd December instant, the detained vessel came into this harbour, and was, as usual, visited by the Marshal and Surgeon to the Court, who made their reports as to the circumstances attending the seizure, and the condition of the slaves. From the surgeon's statement it was found, that only 60 of the whole number of the negroes of this vessel were free from disease, all the others being afflicted with a cutaneous disorder of an aggravated character, which led the surgeon to desire their immediate landing and classification.

The papers of this vessel were brought into Court and authenticated by the Prize-officer on the same day, when the monition also issued, and the witnesses were produced for examination.

The slaves were disembarked in the afternoon of the day in question.

The captor's declaration stated that, on the 4th November, 1837, being in 4° 16' north latitude, and

6° 34' east longitude, he detained the "*Felicidade*," under Portuguese colours, and bound to Havana, for having a cargo of slaves on board, and immediately despatched her to Sierra Leone.

On the 5th instant the Registrar examined the Master and Cook of the captured vessel on the Standing Interrogatories.

The Master deposed that "he was born at Madeira, has lived at Havana for the last 3 years; is a Portuguese subject, has never served any other state, and is not married. He appointed himself to the command, being owner of the vessel; received possession at Havana in April last from Juan José Collo, a Portuguese subject; does not know the place of residence of the said Collo; first saw the vessel at Havana about a year since; she is Sardinian built. He was present when the vessel was captured, with slaves on board; had no colours but Portuguese. He knows of no other name for the said vessel but '*Felicidade*;' she is 150 tons burden, and had 26 officers and mariners, exclusive of witness, chiefly Portuguese; some Spaniards, all shipped and hired at Havana by witness in May last. None of the officers or mariners had any interest in either vessel or cargo, witness being sole owner of both; was Master as well. There were three passengers, Portuguese sailors, belonging to the '*Beleneita*' (wrecked on the bar of the Bonny); the said seamen were embarked in September for a passage to Havana, and had no interest or authority in regard to vessel or cargo. The last clearing port was Havana, and the voyage commenced and was to have ended at Porto Rico or Havana. From Havana the vessel proceeded direct to the Bonny, where the slaves were shipped. The capturing vessel was first seen close to the river Santa Barbara, on the 4th November last; capture took place the same day, after a short chase of about an hour and a half. The '*Felicidade*,' was steering for the West Indies when pursued, and made every endeavour to escape; the vessel's papers were for Bonny and Prince's Island. There were 2 guns mounted, but they were thrown overboard in the chase, and there were 4 or 5 muskets, and as many cutlasses; there was no resistance made, or instructions given to conceal or destroy any of the vessel's papers. He is the sole owner of the vessel. Witness lived at Madeira and Cape Verdes before he resided at Havana. There was a Bill of Sale, which witness left behind him at Havana, not considering it necessary to take it to sea with him; it was dated at Havana in April last—there were no subscribing witnesses; the price was 2300 dollars, paid down in cash, and was a fair equivalent for the vessel. The sale was a true one, and, if restored, the vessel will belong to witness only. There was no private agreement; he is sole owner, lader, and consignee of the cargo. The slaves were to have been landed at Porto Rico or Havana, on account and risk of witness, and, if restored, will belong to him only. He knows nothing of the last voyage: the cargo shipped at Havana on the present occasion was tobacco, rum, and dry goods; the present cargo is slaves, 335 were shipped altogether, all from the shore; does not recollect their descriptions; none died before, but some have died since capture; does not know the number; was taken direct to Sierra Leone after capture. The papers found on board were, and are, all true and fair. No papers were destroyed, concealed, or made away with. There are no other papers (except the Bill of Sale) relating to vessel or cargo. There was no charter-party. Neither vessel nor cargo is insured; the vessel was under witness's sole management. Bulk was broken in the Bonny; no slaves have been disembarked since capture."

Sebastian Resa, the Cook of this vessel, gave evidence of a more limited character than that of the Master; as far, however, as it went it proved confirmatory of the deposition of the Master.

The Affidavit as to the number of deaths among the slaves, whilst under the charge of the Prison-master, showed that 49 had died from the effects of illness.

On the 7th instant publication in the case was decreed; and the monition, which had been sent forth on the 2nd, was duly returned on the 9th instant, the day on which the Court met for the trial of this vessel. A sentence was then pronounced, by which the detained vessel "*Felicidade*" became good prize to the Governments of Great Britain and Portugal, and the survivors of the 335 slaves captured in this vessel, who on that date amounted to 281 persons, were emancipated from slavery.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

Sierra Leone, 16th December, 1837.

No. 16.

Her Majesty's Commissioners to Viscount Palmerston.—(Received March 16, 1838.)

MY LORD,

Sierra Leone, 28th December, 1837.

WE have the honour of forwarding herewith to your Lordship our Report of the Case of the Portuguese schooner "*Traga Milhas*," which was seized, with a cargo of 283 slaves, by Her Majesty's sloop "*Racer*," on the 11th June last, off the island of Jamaica, whilst engaged in a voyage from the river Sherbro to Havana, and condemned this day in the British and Portuguese Court of Mixed Commission established here.

This vessel, on her capture, was carried into Port Antonio, in the island of Jamaica, where the slaves were disembarked, and placed in the care of the Collector of Customs; after which she proceeded to Port Royal, where a Board of naval officers surveyed her, and pronounced her unfit for sea, unless very considerable repairs were made. In consequence of this decision of the surveyors, the Captor handed over his prize to the custody of the Officer in charge of the Jamaica Dockyard, to await the result of the adjudication of the Case, and sent over to this Colony the detained vessel's Papers, in charge of a Prize-officer, who was accompanied by the Portuguese Master as a witness in the case, and who arrived here on the 8th instant.

It may be inferred, we think, from the statement of the Master, that the last voyage of this vessel was from the Sherbro river to Havana; and that a similar cargo, to that with which she was lately detained, was then safely conveyed to Cuba,

although the Master has asserted, that the vessel was *in ballast* on the previous occasion—that being the usual explanation given respecting successful slaving voyages.

In the lists of slave-vessels from Her Majesty's Commissioners at Havana, a schooner, bearing the name of "*Traga Milhas*," is mentioned as having made, under the Spanish flag, two successful slaving voyages previous to the close of the year 1835; and as this vessel apparently only came under the Portuguese flag in June 1836, at the Cape de Verde Islands, it is not improbable that she is the same schooner, which has been so successful in her nefarious pursuits.

We have, &c.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 16.

Report of the Case of the Portuguese schooner "Traga Milhas," Rafael Jozé Alves, Master.

THIS is the case of a vessel furnished with a Portuguese Passport by the Government of the Cape de Verde Islands, in the month of June, 1836, for the general purposes of-commerce, no destination for the vessel being therein mentioned. From this Document it would appear, that the "*Traga Milhas*" was originally an American vessel, and was owned by Antonio Dionizio Furtado, a resident of St. Iago, Cape Verde Islands.

The only other Paper found in this vessel at the time of her seizure was, a Muster-roll, drawn up by the Master, and bearing date at Havana, the 11th April, 1836, which expressed the destination of the "*Traga Milhas*" to have been the Cape Verdes and St. Thomas. This Paper received an official character from having been certified by Mr. Trist, the United States' Consul at Havana, who declares he performed this duty in consequence of there being no Consular Agent for Portugal in that city.

With the 2 official Documents above-mentioned, the "*Traga Milhas*" left Havana and proceeded direct to the Sherbro, where a cargo of slaves was embarked, with which she had safely proceeded nearly the whole of the return voyage to Cuba, when she was intercepted by Her Majesty's sloop "*Racer*," and carried into Port Antonio, in the Island of Jamaica, where the slaves, from motives of humanity, were disembarked in June, 1837.

At Jamaica an examination of the detained vessel took place, when her rigging and sails were found in such a condition as to require replacing. Various repairs to the hull were also necessary before she would be in a fit state to make the voyage to Sierra Leone. The vessel was in consequence declared unseaworthy, and was placed in the care of the Clerk in charge of the Jamaica Dock-yard; and a Prize-Officer dispatched to this Colony, by the way of England, with the schooner's Papers, and her Portuguese Master as a witness in the case.

On the 8th December, 1837, the Papers of this vessel, authenticated by the Prize-Officer, with the Captor's Declaration as to the seizure, and Certificate of having landed the slaves from her, were lodged in the British and Portuguese Court of Mixed Commission; the usual Monitor issued, and the only witness produced by the captors was ordered for examination by the Registrar.

The Captor's Declaration was to the effect, that, on the 11th June, 1837, Her Majesty's sloop "*Racer*" having been in 19° 20' North latitude, and 76° 47' West longitude, seized the schooner "*Traga Milhas*" under Portuguese colours, for having a cargo of 283 slaves on board, said to have been shipped at Seabar on the 1st May, 1837; and that the detained vessel was then despatched to Port Antonio, in the Island of Jamaica.

The Captor also stated, that, from the Master's representation as to the state of the detained vessel, he supposed her unfit to proceed on the voyage to Sierra Leone.

From the Captor's Certificate as to the disembarkation of the slaves of this vessel, it appeared that, in consequence of the length of the voyage to this Colony, he had landed them at Port Antonio, and delivered them into the care of the Collector of Customs there, whose receipt, dated the 16th June last, was filed in the Case, and showed that 280 had been thus received under his care.

On the same day that the Case of this vessel was brought into the Court, the Captor's Proctor filed the original Survey held upon the "*Traga Milhas*" at Jamaica, and which was as follows:—

"We, whose names are hereunto subscribed, have been on board the Portuguese schooner '*Traga Milhas*,' have held a strict and careful Survey on the above-named vessel, for the purpose of ascertaining her fitness to perform a voyage to Sierra Leone, and find as follows; viz.:—

"Her bulwarks cut to the decks, and would require replacing; her topsides and waterways require caulking; her mainmost head wrung; her running-rigging much decayed, and unfit for the voyage; her sails much worn and unfit; and altogether we consider the schooner '*Traga Milhas*' unfit to perform the voyage to Sierra Leone, without a general repair and refit. And we further declare, that we have performed this service with such care and attention, that we are willing, if required, to make oath to the impartiality and correctness of our proceedings.

"Given under our hands on board the Portuguese schooner '*Traga Milhas*,' at Port Royal, Jamaica, this 14th day of August, 1837.

"(Signed)

FRED. HOLLAND, Lieutenant.

"CHAS. GAHAN, Master.

} H.M.S. "Satellite."

"(Signed)

ROBT. CURRIE, Master H.M.S. "Magnificent."

From the letter which the Seizor, Commander Hope, addressed to the Court, it was found that the detained vessel had been put into the care of the Clerk in charge of the Jamaica Dock-yard. The receipt of that Officer for what he had thus taken charge of was not furnished to the Court; and the

only information, therefore, upon this point was contained in the list of Stores attached to the Captor's Declaration.

The Master of the detained vessel was examined by the Registrar on the Standing Interrogatories on the 11th instant, and deposed as follows:—"He was born at Lisbon; has lived for the last 6 years at St. Iago, Cape Verdes; has never served any State but Portugal, and is not married. He was appointed to the command, and possession was given to him, at St. Iago Cape Verdes, in June, 1836, by Antonio Dionizio Fustado, a resident merchant of that place, and a Portuguese subject; witness first saw the said vessel there and then; believes she is American built. He was present when the vessel was captured, for having slaves on board; sailed under Portuguese colours; there was also a Spanish flag for a signal. The only name he knows of the vessel having been called by is "*Traga Milhas*;" she is 87 tons burden, and had 14 officers and mariners, exclusive of witness, all Spaniards, except 4 of the seamen, who were Portuguese; those 4 men were shipped and hired at Cape Verdes by witness in June, 1836; the others had been shipped by the Owner previously to witness joining the vessel,—believes at Cape Verdes also. Neither he nor any of the officers or mariners had any interest in either vessel or cargo; was Master on board; there was a passenger at the time of the capture, one Vicente Sanchez, a Spaniard, and late Mate of the Spanish vessel '*Tridente*;' he was embarked at Havana in December last, for a passage to Cape Verdes; but the '*Traga Milhas*' did not go there on the present occasion, and the said Sanchez, accompanied her to the Sherbro, and from thence was returning to Havana when capture took place; does not know what Sanchez' business at Cape Verdes, or Sherbro, or Havana, might have been, he was merely a passenger, and had no interest in regard to vessel or cargo, nor any authority whatever on board. The last clearing Port was Havana, and the present voyage commenced, and was to have ended, there; from thence the vessel proceeded direct to the Sherbro, where slaves were shipped. The capturing vessel was first seen, on the eastern side of Cuba, about 11 leagues from that Island, on the 11th June last; capture took place the same day, by means of the boats of the cruiser, after a chase of about 4 hours; it was quite calm, but every endeavour was made to sweep away from the man-of-war. There was no gun; there were only a few cutlasses; no resistance was made; there were no instructions to escape capture, or for concealing or destroying any of the vessel's Papers. The said Antonio Dionizio Fustado is sole Owner of the vessel; believes so from having been appointed to the command by him, and knowing of no other person concerned in her. He knows nothing of any Bill of Sale, or the price of the vessel; believes, if restored, the vessel will belong to Fustado, and to no other person; knows of no private agreement. The Owner of the vessel is also the sole Owner of the cargo; the lader at the Sherbro was one Francisco Lopez, a Frenchman, and a trader in that place; the consignee at Havana was Lino de Carvalho, a Spaniard, and resident merchant of that place; the slaves were to have been landed at Trinidad de Cuba, for account and risk of Fustado, and, if restored, will belong to him only; knows of no other person interested in them. The former voyage was in ballast from Sherbro to Havana; the lading on the present occasion was powder, muskets, rum, and dry goods, shipped at Havana by the consignee Carvalho, and landed at the Sherbro, where a cargo of slaves was embarked; 324 were shipped altogether,—all from the shore; does not recollect their descriptions; 41 died before, and 3 (2 men and 1 woman) after, capture, and previously to the said slaves being landed in Jamaica. After the seizure, the vessel was taken to Port Antonio, in the Island of Jamaica. The Papers were and are all true and fair. No Papers were destroyed, concealed, or made away with. There are no other Papers in any country relating to vessel or cargo, that witness knows of. There was no charter-party. He does not know whether the vessel or cargo is insured; the vessel was under the management of witness in regard to her trade. Bulk was broken at Sherbro. After capture, the slaves were landed at Port Antonio, in Jamaica, by the Captors; does not know for what reason."

The evidence in the Case established, that 3 of the slaves died after seizure, and previous to their disembarkation at Port Antonio.

Publication took place in the Cause on the 14th instant, and the Monition, which issued on the 8th, was this day returned by the Marshal, when the Court assembled for the adjudication of this vessel, and a sentence was given of confiscation of the said schooner "*Traga Milhas*," her cargo and stores, and of emancipation of the survivors on that day of the 280 slaves landed in the Island of Jamaica.

Sierra Leone, 28th December, 1837.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

No. 17.

Her Majesty's Commissioners to Viscount Palmerston.—(Received March 16.)

MY LORD,

Sierra Leone, 29th December, 1837.

HEREWITH we have the honour of transmitting to your Lordship our Report of the Case of the Portuguese schooner "*Ligeira*," seized on the 15th ultimo, with a cargo of 313 slaves on board, by Her Majesty's brigantine "*Bonetta*," and condemned in the British and Portuguese Court of Mixed Commission on the 28th instant, when the survivors of the said slaves, in number 280, were decreed to be emancipated.

This vessel, like the "*Traga Milhas*," which immediately preceded it in the Court, was provided with a Passport by the Government of the Cape de Verde Islands, and formed the seventh instance of such cases which has come before us in the present year.

Amongst the Papers of the "*Ligeira*" was an Official Certificate from the Custom-house at Havana, of there having been embarked in her a large boiler, and the materials for preparing upon the coast a slave-deck, and a large number of

water-casks, the chief articles of slaving equipment. We presume that such a certificate had been sought by the Master of the schooner, and granted by the Authorities at Havana, in the expectation that a Treaty with Portugal, similar to that entered into with Spain, might come into operation, before this vessel's arrival on the coast.

We have, &c,
(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 17.

Report of the case of the Portuguese Schooner "Ligeira," Gaspar Terreira, Master.

THIS vessel, when seized, was found provided with the following official papers:—

1. Passport.
2. Clearance of the cargo.
3. Certificate as to the vessel having shipped planks, beams, staves, and hoops for casks; a boiler for making palm-oil; and some raw cotton.
4. Muster-roll of the crew.

From these documents it appeared that the "*Ligeira*" was the property of the former Master, João Alberto de Mattos, who obtained a passport for her from the Government of the Cape de Verde Islands, in August, 1836, for a voyage ostensibly to Bissao, touching at Prince's Island. The next place at which this vessel was seen, according to her papers, was Havana, where, in April, 1837, a change of masters occurred, through the alleged illness of De Mattos, and the vessel was despatched thence with a general cargo for the Bonny.

Amongst the cargo shipped in this vessel were planks and beams, from their description suitable for a slave deck; staves and iron hoops for forming water-casks, in addition to the leaguers of water for the use of the crew; and a boiler, said to have been embarked for making palm-oil. This shipment was specially certified to by the Custom-house Authorities at Havana, without any express object for so doing. The vessel sailed from Havana on the 1st April, and put back again on the following 5th, on the day succeeding which the Certificate alluded to was granted.

The outward voyage of this vessel having been completed by the shipment, in November last, of a full cargo of slaves in the River Brass, she was on her way back to Havana when met and detained by Her Majesty's brigantine "*Bonetta*," the Commander of which cruiser despatched her for adjudication to this Port, which she reached late in the day of the 15th December, 1837.

Immediately on her arrival she was visited and reported upon by the Marshal and Surgeon to the Courts, when it was ascertained there had been 20 deaths among the slaves since the time of seizure; and that there were 55 of the survivors suffering from illness, chiefly dysentery and ophthalmia. The size of the detained vessel was reported also as being wholly inadequate to the proper accommodation of the surviving negroes on board; and their early landing was strongly recommended, which was effected on the following morning.

On the 16th instant the detained vessel's papers were lodged in the Court, together with the Captor's declaration and the Prize Officer's affidavit as to the seizure, and the usual proceedings thereupon adopted.

The Captor's declaration was that, on the 10th November last he, being in latitude 3° 12' north, and longitude 5° 26' east, detained the schooner "*Ligeira*," sailing under Portuguese colours, for having on board a cargo of slaves, which the Master of the "*Ligeira*" declared he had shipped on the previous 11th November in the River Brass; and that he was bound with the said slaves to Havana.

On the 19th instant the Captor's witnesses, the Master and Cooper of the detained vessel, were examined by the Registrar, when the following evidence was given by the former:—"He was born at Oporto; has lived at Havana with his wife and family for the last six years; has never served any state but Portugal. He took the command, being the owner of the vessel; got possession in Havana in April last from the former proprietor, Juan Alberto Mattos, a Portuguese subject; does not know where the said Mattos resides; first saw the said vessel at the time and place above mentioned. She is North American built. He was present when the vessel was captured for having slaves on board; had no colours but Portuguese. He is not aware that the vessel has ever had any other name than "*Ligeira*." She is 78 tons burden, and had 21 officers and mariners exclusive of witness: 8 of these were Portuguese, the others Columbians and Genoese; all hired and shipped in Havana by witness in April last. He was sole owner of both vessel and cargo; none of the officers or mariners had any interest in either; was Master as well. There were 3 seamen on board at the time of capture, shipped in the Brass in September to work their passage to Havana; does not know their names. One belonged to New Orleans, another was a Venetian, and the third a native of the Philippine Islands. None of them had any interest in the vessel or cargo, or authority on board. The last clearing port was Havana, and the voyage commenced and was to have ended at Havana; from thence the vessel proceeded direct to the Brass, where her slaves were shipped. The capturing vessel was first seen on the 15th November, about 30 leagues to the southward of the Brass; capture took place same day, after 9 hours' chase. The vessel was steering to the westward when the man-of-war was seen; her course was altered, and every effort made to escape capture. There are no guns; there are 5 or 6 muskets and a few cartridges. No resistance was made; there were no instructions to escape capture, or for concealing or destroying any of the papers. He is himself sole owner of the vessel; resided at Barcelona before he lived at Havanna. There was a bill of sale from Mattos to witness: it was left at witness' residence in Havana, as he had no occasion to bring it with him, having no intention of disposing of the vessel. It was dated at Havana in April, 1837; there were no

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subscribing witnesses. The price was 550 dollars; all paid down in cash at the time of purchase, and was a fair equivalent for the said vessel. The sale was a true one; and, if restored, the vessel will belong to witness and to no other person: there was no private agreement. He is himself sole owner and lader of the cargo; there was no consignee. Witness intended to have landed the slaves on the Coast of Porto Rico, on his own account and risk; and if restored, they will belong to him only. He knows nothing of the former voyage. The cargo shipped at Havana on the present occasion was cloth, tobacco, rum, muskets, tea; the present cargo is slaves: 313 were shipped altogether; all from the shore; does not recollect their particular descriptions. None died before capture; about 23 have died since. After seizure the vessel was taken to Sierra Leone. The papers found on board were and are all true and fair. No papers were destroyed, concealed, or made away with. There are no other papers anywhere, except the bill of sale, relating to either vessel or cargo. Bulk was broken in the Brass. No slaves have been disembarked since capture."

Francisco Sanchez, cooper of the detained vessel, by his evidence confirmed the Master's testimony.

The Prize Officer's affidavit as to the mortality among the negroes of this vessel, whilst they were under his charge, shewed that 23 deaths had taken place.

Publication passed in the case on the 21st instant; and on the following 28th the motion issued on the 16th instant, was returned duly certified by the Marshal.

On the 28th instant the Court assembled for the adjudication of this vessel, and passed a sentence of confiscation on the hull, stores, and cargo of the "*Ligeira*;" and a decree of emancipation of the surviving slaves of those seized on board of her, in number 250.

Sierra Leone, 29th December, 1837.

(Signed)

H. W. MACAULAY,
WALTER W. LEWIS.

No. 18.

His Majesty's Commissioners to Viscount Palmerston.—(Received May 3.)

MY LORD,

Sierra Leone, 1st January, 1838.

IN pursuance of the 75th Clause of an Act, passed in the 5th year of the reign of his late Majesty George IV., entitled, "An Act to Amend and Consolidate the Laws relating to the Abolition of the Slave Trade," we have the honour to transmit, enclosed, a Return of all cases of Portuguese vessels adjudicated in the British and Portuguese Court of Mixed Commission established in this Colony, in the period from the 1st July 1837, to the 1st January 1838.

We have, &c.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Return of Portuguese Vessels adjudicated by the British and Portuguese Court of Mixed Commission, established at Sierra Leone, between the 1st day of July 1837, and the 1st day of January 1838.

NAME OF VESSEL.	NAME OF MASTER.	DATE OF SEIZURE.	WHERE CAPTURED.		PROPERTY SEIZED.	SEIZER.	DATE OF SENTENCE.	Number of Slaves Captured.	Number died before Adju- dication.	Total number Emanci- pated.	Deceitful part of Sentence, whether Forfeiture or Restitution.	Whether Property condemned has been sold or converted; and whether any part remains unsold, and in whose hands the Proceeds remain.
			Latitude.	Longitude.								
Flor de Tejo.	João Ant ^o . Ribeiro	1837 3 April	26° 30' N.	78° 30' W.	Schooner and 417 slaves.	Thos. Dilke, Esq., H.B.M. sloop "Wanderer."	1837 5 July	417	..	417 ^a	Condemned for being engaged in the illicit traffic in slaves.	Vessel and stores sold by public auction, and the proceeds paid into the military chest.
Providencia...	Joaq ^m . M. Guimaraens	1 June	5° 4' N.	3° 25' E.	Schooner and 198 slaves.	Joseph Batt, Esq., H.B.M. brigantine "Dolphin."	10 Ditto	198	5	193	Ditto	Ditto
Amelia.....	Man ^l . José Marcial	6 August	4° 30' N.	4° 20' E.	Brig and 859 slaves.	J. B. Marsh, Esq., H.B.M. brig "Water Witch."	30 August	359	14	345 ^b	Ditto	Ditto
Primoroza...	Joaq ^m . P. Xavier	25 Sept.	1° 29' N.	5° 56' E.	Schooner and 182 slaves.	P. Campbell, Esq., H.B.M. brigantine "Dolphin."	28 October	182	46	136	Ditto	Ditto
Vibora de Cabo Verde	Joaq ^m . Antonio	28 Ditto	3° 47' N.	8° 42' E.	Schooner and 272 slaves.	Wm. Dickey, Esq., H.B.M. brig "Water Witch."	13 November	272	51	221 ^c	Ditto	Ditto
Don Francisco	Ant ^o . P. Lisboa	25 April	14° 49' N.	60° 45' W.	Brig and 443 slaves.	J.G.D ^o Urban, Esq., H.B.M. brigantine "Griffin."	21 Ditto	443	..	443 ^d	Ditto	The said Brig was taken to Dominica after capture and sold there under the authority of the Court of Vice Admiralty; the proceeds remaining in charge of the Agents for the captors have been ordered to be paid into the Registry of this Court.
Florida.....	Alex ^o . B. Proença	13 May	14° 58' N.	61° 43' W.	Schooner and 280 slaves.	The Hon. G.R. A. Clements, H. B. M. brig "Harpy."	Ditto	280	3	277 ^e	Ditto	After capture the said Schooner was taken to Grenada and sold there by the Captors; the net proceeds left in charge of the Prime Agent have been ordered to be paid into the Registry of this Court.
Felicidade...	João José Pereira	4 Nov.	4° 16' N.	6° 34' E.	Brigantine and 337 slaves.	H. P. Deschamps, Esq., H. B. M. brig "Bonetta."	9 December	337	56	281 ^f	Ditto	The Brigantine and Stores in charge of the Commissioner of Appraisement and Sale, the same being ordered to be sold at Public Auction, and the proceeds paid into the Registry twenty-one days from the date of the condemnation.
Traga Milbas.	Rafael José Alves	11 June	19° 20' N.	76° 47' W.	Schooner and 283 slaves.	James Hope, Esq., H.B.M. sloop "Racer."	28 Ditto	283	3	280 ^g	Ditto	The Schooner and Stores left under the care of the Clerk in charge of Jamaica Dock-yard, and Commission issued for the sale thereof.
Ligeira.....	Gaspar Ferreira	15 Nov.	3° 12' 38" N.	5° 26' 46" E.	Schooner and 313 slaves.	H. P. Deschamps, Esq., H. B. M. brig "Bonetta."	Ditto	313	33	280 ^h	Ditto	The Schooner and Stores in charge of the Commissioner of Appraisement and Sale, the same being ordered to be sold at Public Auction, and the proceeds paid into the Registry twenty-one days from the date of the condemnation.

^a The slaves of the "Flor de Tejo" were landed at Ngessau, Bahamas Islands.
^b Three men and one boy died before their descriptions could be taken to be registered.
^c One man, one woman, and two girls died do.
^d The slaves belonging to "Don Francisco" were landed at Dominica, West Indies.

(Signed) H. W. MACAULAY.

WALTER W. LEWIS.

^e The slaves of the "Florida" were landed at Grenada.

^f Five men, one boy, and one girl died before their descriptions were taken to be registered.

^g The slaves of the "Traga Milbas" were landed at Port Antonio in the island of Jamaica.

^h One man died before his description could be taken to be registered.

Sierra Leone, 1st January, 1838.

(Signed)

M. L. MELVILLE,
Registrar.

No. 19.

Her Majesty's Commissioners to Viscount Palmerston.—(Received May 3.)

MY LORD,

Sierra Leone, 1st January, 1838.

WE have the honour to transmit, enclosed, an abstract of the proceedings in the British and Portuguese Court of Mixed Commission, established in this Colony during the year 1837.

During that period, eighteen vessels were adjudicated, and all of them condemned; and five thousand and sixty-one negroes were emancipated from slavery.

We have, &c.

(Signed)

H. W. MACAULAY.

WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 19.

Abstract of the Proceedings in the British and Portuguese Court of Mixed Commission, established at Sierra Leone, for the Repression of the Slave Trade, during the Year 1837.

1. THE Portuguese brig "*Paquete de Cabo Verde*," Bartolomé Robello, master; a vessel which sailed under a mercantile passport obtained at Lisbon in August, 1836, for a trading voyage to Cadiz, Cape de Verd Islands, and the Ports of Africa, was found at the entrance of the river Bonny, on the 11th of January, 1837, having a cargo of 576 negroes on board, by the boats of Her Majesty's sloop "*Scout*," Commander Craigie, and detained for adjudication at this port, in which she arrived on the 19th February.

At the time of detention, it appeared this vessel was in the act of commencing a voyage to Cuba, for which island her human cargo had been embarked in the Bonny, in violation of the ship's papers, which did not sanction her going to the West Indies, as well as of the provisions of the Treaty and Convention between Great Britain and Portugal, on the subject of the Slave Trade.

The proceedings instituted by the captors fully established all the charges they had preferred against her, and the "*Paquete de Cabo Verde*" was accordingly condemned on the 2nd of March, 1837; and, at the same time, the survivors of her slaves, in number 452, were liberated.

2. The Portuguese brigantine "*Temerario*," Camillo Urbano da Fonseca, master, cleared out from Porto Praya, Cape de Verd Islands, for a voyage to the coast of Africa and St. Thomas's, being nominally the property of João Claudio de Lima, of the above city, and whose name appeared in the return for the year 1836, in the papers of Spanish vessels which had ostensibly become Portuguese, at these islands, in order to avoid the effects of the Equipment article of the Treaty with Spain of June, 1835. From the Cape de Verds the "*Temerario*" proceeded direct to the river Bonny,—a favourite resort of the Spanish Slave Trader,—and there shipped a cargo of 352 negroes, with whom she was proceeding to Porto Rico when intercepted by Her Majesty's brigantine "*Bonetta*," Lieutenant Henry P. Deschamps, commander, by whom she was detained on the 20th January, 1837, and sent to Sierra Leone.

In the prosecution of this vessel satisfactory proof was afforded of her unlawful employment at the time of seizure. A sentence of condemnation of the vessel and cargo, and of emancipation from slavery of the surviving 236 negroes passed, at the sitting of the 1st March, 1837.

3. The Portuguese brig "*Esperança*," Felix Cosmé Madail, master. This was a vessel provided with a commercial passport from the city of Lisbon, dated in December, 1834, and by which she was then bound to the Cape de Verd and the ports on the African coast. From the endorsements upon this document, it appeared, that in the following August she had been at Benguela, and 12 months afterwards (August, 1836) she cleared out from Havana for this coast. In the Muster-roll and Custom's Clearance from Havana, the intended voyage of the "*Esperança*" was variously described, the former expressing her destination to be to the "*Malagueta Coast*," and St. Thomas and Princes; and the latter, that she would proceed direct to the Bonny. The last-mentioned destination proved to have been correctly stated, as this vessel came direct to the Bonny after leaving Cuba. In that river she received upwards of 500 negroes on board, with whom she attempted to escape on the 10th January, 1837, but was met at the bar by the boats of Her Majesty's sloop "*Scout*," Robert Craigie, Esq., commander; when, finding that the vessel must be captured, an attempt was made to disembark the slaves, which proved successful with regard to about 400 of them. When the brig was ultimately seized only 110 slaves were found on board.

The detained vessel arrived here on the 29th February, 1837, and proceedings in prosecution were commenced on the following day, which ended in establishing the charge of having violated, in every respect, the conditions of the existing Treaties, and causing her condemnation on the 4th of March, 1837. At the same time 89 slaves were declared free, being the survivors of the 110 seized in this vessel.

4. The Portuguese schooner "*Josephina*," Miguel Angel Montano, master, was apparently a very

successful slaver under a Lisbon passport, originally granted in May, 1832, for a voyage to the Cape de Verde Islands and the ports of Brazil, having made under it no less than three visits to Bahia. On completing the last voyage to that port she went to Havana, whence she cleared out in March, 1836, for Lagos. At Lagos a cargo of slaves was embarked on the 6th February, and four days subsequently Her Majesty's sloop "Columbine" detained her in the act of returning to Havana.

The usual measures, in prosecution of this vessel for a breach of the Treaties between the high-contracting Parties respecting the Slave Trade, were taken immediately after the vessel's arrival here on the 8th of March; and, on the following 17th, her guilty employment having been distinctly proved, she was pronounced good and lawful prize to the Crowns of Great Britain and Portugal; and her slaves, amounting to 346, were declared free.

5. The Portuguese schooner "*Latona*," José Gervasio de Carvalho, master, was provided with official papers by the Authorities of Prince's Island, in December, 1836, for a voyage to the West Indies, *viâ* the coast of Africa. The owner of the vessel was described as a resident of Bahia. From Prince's Island the "*Latona*" proceeded direct to Whydah, where she received a cargo of slaves from the very notorious slave-dealer Zangroni, with whom she was proceeding towards the West Indies when fallen in with and detained, on the 4th of February, 1837, by Her Majesty's sloop "Columbine," Commander Henderson.

After seizure the "*Latona*" was placed in charge of a prize officer, and despatched to this colony for adjudication, where she arrived on the 9th of March.

A sentence of confiscation of the said vessel, her cargo, and stores, and of emancipation from slavery of the 320 negroes surviving, of those seized in this vessel, was pronounced by the British and Portuguese Court of Mixed Commission, at its sitting on the 17th March, 1837.

6. The Portuguese schooner "*Carlota*," alias "*Mosquito*," Miguel Paulo, master, was captured by Her Majesty's sloop "Champion," Commander Fair, in the West Indies, on the 1st of December, 1836, in consequence of having a cargo of slaves on board. At the time of seizure the "*Carlota*" was found in so unseaworthy a condition that she was run to the nearest British settlement, which proved to be Honduras, at which place the slaves were disembarked, and the vessel was laid up after a survey had been held upon her, and her unfitness for the voyage to Sierra Leone established.

The witnesses and papers in the case, reached this colony in the care of a prize-officer from the "Champion," on the 23rd April, 1837, and the prosecution of this vessel immediately commenced before the British and Portuguese Court of Mixed Commission, and was concluded on the 2nd of May, 1837, when the "*Carlota*" was declared a good and lawful prize, and the survivors, on that date, of the 203 slaves who had been landed from her at Honduras, were decreed to be emancipated from slavery.

The "*Carlota*" was provided with official papers from the Government of Prince's Island, and was owned by João Barboza é Paiva, a native and resident of St. Thomas's-on-the-Line.

On leaving Prince's, the "*Carlota*" proceeded to Whydah, consigned to the notorious Juan M. Zangroni, who loaded her with the cargo of slaves with which she was seized.

7. The Portuguese schooner "*Lafayette*," Antonio Rodrigues Nogueira, master, was a vessel belonging to the port of Lisbon, from which she sailed in November, 1835, ostensibly destined for Brazil, and under a passport from the Minister of Marine.

This schooner, from her official papers, does not appear to have reached Brazil before October, 1836, when she was at Bahia; and from which port she cleared out on the 4th March, 1837, for St. Thomas' and Prince's.

After leaving Bahia, the detained vessel appeared to have proceeded direct to Lagos, where she was found by one of the British cruisers on the 26th April.

On the following 11th May the "*Lafayette*" was met off Lagos, laden with 448 Africans, by Her Majesty's brig "Charybdis," Lieutenant Mercer commanding, who detained and sent her to Sierra Leone for trial.

Proceedings in the usual form were taken before the Mixed Commission Court on the 7th June against the "*Lafayette*," on a charge of having been employed unlawfully in the Slave Trade when she was seized; which having been clearly proved, the confiscation of the vessel was decreed on the 16th June: 441 negroes were at the same time pronounced to be emancipated from slavery.

8. The Portuguese schooner "*Cobra de Africa*," Antonio Joaquim de Conceição, master, was detained on the 27th May, 1837, by Her Majesty's brigantine "Dolphin," near the entrance of the river Cameroons, for having a cargo of slaves on board, embarked on the previous day at Bimbia, near to that river.

This schooner was found sailing with Portuguese papers obtained at the Cape de Verd Islands, in December, 1836, by the master, who alleged himself to be also owner of the vessel, which he cleared out ostensibly for a voyage to Prince's and St. Thomas' Islands, with leave to touch at the ports on this coast.

It was stated in evidence, that the schooner had touched at Prince's Island, but had had no communication with the Custom-house there, as her papers had not been endorsed to that effect.

On the 14th June, 1837, the detained schooner arrived at Sierra Leone, and the usual prosecution was then commenced, which ended on the following 22nd, when a sentence of confiscation was passed upon the said schooner, her stores, and cargo, and of emancipation of the survivors of the negroes seized on board of her, in number 101.

9. The Portuguese schooner "*Flor de Tejo*," João Antonio Ribeiro, master, was detained off the Bahama Islands on the 3rd April, 1837, by Her Majesty's sloop "Wanderer," Captain Dilke, for having on board a cargo of 417 slaves, all of whom were disembarked at the Island of New Providence on the 6th April, in conformity with the approved practice in such cases, and the detained vessel then despatched for adjudication to Sierra Leone.

In the prosecution of this vessel before the British and Portuguese Court of Mixed Commission here, evidence of the most conclusive character was produced as to the illegal employment of the "*Flor de Tejo*" at the time of her detention, and she was accordingly condemned as good and lawful prize to the Governments of Great Britain and Portugal, and the surviving slaves of the 417 who had been left at the Bahamas were declared to be free.

From the papers and evidence in the case, it plainly appeared, that this was one of the many Spanish slave vessels nominally transferred to the flag of Portugal, for the purpose of evading the operation of the Equipment Article of the Treaty between Great Britain and Spain of the 28th June, 1835.

10. The Portuguese schooner "*Providencia*," Joaquim Martins Guimaraens, master, in a voyage from Lagos to Bahia, with a cargo of 198 slaves, was fallen in with and detained in latitude 5° 4' N., and longitude 8° 23' E., by Her Majesty's brigantine "*Dolphin*," Lieutenant Bates, Commander, on the 1st June, 1837.

Having arrived at Sierra Leone on the 1st July, the "*Providencia*" was at once prosecuted before the Mixed Commission, and her case exhibiting at its close nearly every feature of slave-trading prohibited by the Treaties between Great Britain and Portugal, she was accordingly condemned, and the surviving 193 negroes, seized in her, emancipated from slavery at the sitting of the Court on the 10th July, 1837.

11. The Portuguese brig "*Amelia*," Manuel José Marcial, master, belonging to a resident of St. Paul de Loando, cleared out from Bahia on the 9th March, 1837, for a lawful commercial voyage to St. Thomas' and Princes'. The destination of the vessel thus marked out was not observed by the detained brig, as she proceeded direct to Lagos, where a cargo of 359 slaves was embarked on the 6th August, 1837, with which the "*Amelia*" was about to return to Bahia, but on the same day she was fortunately intercepted by Her Majesty's brig "*Water Witch*," Lieutenant W. B. Marsh commanding, who frustrated the guilty intentions of those who conducted this voyage by detaining and sending the said brig to this colony for adjudication.

The trial of this vessel in the British and Portuguese Court of Mixed Commission took place on the 30th August, 1837, when the case exhibiting all the usual features of an open violation of the Treaty and Convention between Great Britain and Portugal for repressing the Slave Trade, the Court pronounced the condemnation of the said brig "*Amelia*," her cargo, and stores, and the emancipation of 345 slaves, being the survivors at that time of the 359 slaves seized on board of the said brig.

12. The Portuguese schooner "*Primorosa*," Joaquim Xavier, master, was seized on the 25th September, 1837, off Princes' Island, by Her Majesty's brigantine "*Dolphin*," Lieutenant Patrick Campbell commanding, for having then had 182 slaves on board, with whom she was in the act of proceeding from the river Bonny to the slave-market of Havana.

On the 19th October, 1837, the "*Primorosa*" reached Sierra Leone in charge of a prize-officer, and proceedings in prosecution of her upon the charge above stated were taken before the Mixed Commission. These proceedings terminated in the adjudication of the detained vessel on the 28th September, 1837, when the evidence clearly establishing the charges which had been preferred against her, the "*Primorosa*," her stores, and cargo, were declared good prize to the British and Portuguese Governments. The survivors of the slaves seized in this vessel, in number 136, were on that occasion decreed to be emancipated from slavery.

13. The Portuguese schooner "*Vibora de Cabo Verde*," Joaquim Antonio, master, was a vessel provided, as her name partly served to imply, with papers from the Cape de Verd Islands, at which she changed her nationality from American to Portuguese, in June, 1837. From the Cape de Verdes the "*Vibora*" cleared out for a voyage to end at Rio de Janeiro, as appeared by her official papers; although Havana was really the port at which she was to discharge the human cargo which was to be taken from this coast, if reliance may be placed upon the statements of the witnesses at their examinations on oath.

Her Majesty's brig "*Water Witch*," on the 28th September, 1837, having fallen in with the "*Vibora*" off Fernando Po, with a cargo of 269 slaves on board, bound, as was then asserted by the Master, for the port of Rio de Janeiro from Bimbia near the river Cameroons, the latter vessel was detained and sent to this colony for adjudication, which she reached on the 4th November, 1837.

The proceedings against this vessel, instituted by the Captor, having distinctly established the charge preferred against her, of having been engaged in the illegal slave-trade at the time of her seizure, the "*Vibora de Cabo Verde*" was, in consequence, declared, on the 30th November, 1837, to be confiscated, and the surviving 221 slaves of those found on board of her when detained, were pronounced to be free.

14. The Portuguese brig "*Don Francisco*," Antonio Pereira Lisboa, master, was a vessel belonging to the notorious slave-dealer, Francisco Felis de Souza, alias Char Char, of Whydah, who obtained official Portuguese papers for his vessel from the Provisional Government of Princes' and St. Thomas Islands, in July, 1836. Thus prepared to navigate the seas, the "*Don Francisco*" proceeded at once to Whydah, where a cargo of slaves was embarked for the Havana market. In this object the vessel had nearly ensured success by avoiding the numerous vessels of war cruising against slavers, until she was in the latitude of Dominica, when her Majesty's brigantine "*Griffon*" fell in with and detained her on the 25th April, 1837, for having a cargo of 433 negroes then on board. The detained vessel was carried into Dominica, where all the slaves were disembarked from motives of humanity, and left in the charge of the Collector of Customs of that Island, until the case of the "*Don Francisco*" could be adjudicated by the British and Portuguese Court of Mixed Commission here. On inspection, the captured brig was found in such an unseaworthy and bad state as to be wholly unfit to proceed to this colony for trial; and she was in consequence sold at that Island, under a provisional decree of the Vice-Admiralty Court there, to which application had been made by the seizer.

A prize officer in charge of the Papers of the vessel, and accompanied by the witnesses in the case, reached this colony on the 12th November, 1837, and proceedings were soon after taken against the "*Don Francisco*," which, on the 21st November, ended in the said brig being pronounced good and lawful prize, and the survivors on that date of the 433 slaves landed at Dominica being emancipated.

15. The Portuguese schooner "*Florida*," Alexandre Balbino Proença, master, was seized for having a cargo of slaves on board, in 14° 0' north latitude and 61° 0' west longitude, by Her Majesty's brig "*Harpy*," Lieutenant the Honourable G. R. A. Clements, commanding, on the 18th May, 1837. At the time of detention the "*Florida*" was found very leaky, from which and other causes the seizer was induced to convey his prize to the neighbouring island of Grenada, where, according to the practice usual in such cases, the negroes were landed from the captured vessel, and handed over to the care of the Colonial authorities pending their adjudication.

The schooner was then surveyed, and pronounced unfit for sea, and the captor was in consequence induced to have her sold for the benefit of whom it might eventually concern.

On the 12th November, 1837, the capturing vessel came into this harbour, bringing all the Papers connected with the case, and the detained master and boatswain as witnesses.

The prosecution of the "*Florida*" was commenced on the 14th November, in the usual form,

before the Mixed Commission, and afforded conclusive proof on its termination, of this vessel having committed infractions of the existing Treaties between Great Britain and Portugal for the repression of the Slave Trade. On the 21st November, 1837, therefore, the Court condemned the schooner "*Florida*," her cargo and stores, as prize to the Governments of the two countries, and emancipated the survivors on that date of the 280 slaves left at Grenada.

This vessel, like the one which immediately preceded it in the Court, belonged to the notorious De Souza, of Whydah, who was also owner of both the cargoes of slaves, and who obtained from the Provisional Government of Princes' and St. Thomas' Islands in February, 1836, official Papers for this vessel.

16. The Portuguese brigantine "*Felicidade*," Joao José Pereira, master, was a vessel ostensibly owned by a Portuguese resident at Bahia, and provided with a passport by the Portuguese Consul-General at Rio de Janeiro, in May, 1835, and destined for a voyage to Cadiz *viâ* Havana. This intention did not appear to have been carried into effect, as the date of the "*Felicidade's*" visit to Havana, which is stated on her passport to have been the 24th May, 1837, when she cleared out for Princes Island and the river Bonny.

On the voyage to this coast the vessel touched at the Cape de Verd Islands, and then went direct to the Bonny, where, after a stay of three months, she received on board a cargo of 337 slaves, with whom she was on her return to Cuba, when detained off the Bonny on the 4th November, 1837, by Her Majesty's brigantine "*Bonetta*."

The "*Felicidade*" arrived in this port on the 2nd December, and proceedings in prosecution of her immediately commenced on the charge of illegal slave trading, which was clearly established to the effect above mentioned, and her condemnation was therefore decreed on the 9th December, 1837, and the survivors of her slaves emancipated to the number of 281.

17. The Portuguese schooner "*Traga Milhas*," Rafael José Alves, master, was originally an American vessel, and transferred to the flag of Portugal at the Cape de Verd Islands, in June, 1836, under sufficiently suspicious circumstances to admit of the opinion that this transfer was resorted to by the parties *bonâ fide* interested in her, to avoid the operation of the Equipment Article of the late Treaty with Spain, as she was when seized on the eve of completing her second voyage in the Cuba Slave Trade.

This vessel was detained on the 11th June, 1836, by Her Majesty's sloop "*Racer*," Commander Hope, off the island of Jamaica, she having then on board 283 slaves. The capturing vessel and her prize proceeded at once to Port Antonio in that island, where the negroes were disembarked and delivered into the care of the Collector of Customs on the 16th June, at which time they were in number 280.

Subsequently, the detained vessel was conveyed to Port Royal in the said Island, and there a careful survey was held upon her by Lieutenant Holland of Her Majesty's ship "*Satellite*," and the Masters of that vessel and of her Majesty's ship "*Magnificent*," whose report upon her was, that she was unfit to make the voyage to Sierra Leone for adjudication. Thereupon, the Captor laid up the detained schooner in the custody of the Officer in charge of the Jamaica Dock Yard; and a Prize Officer with the schooner's papers, and the Master of the detained vessel, as a witness in the case, were sent to this colony.

On the 8th December 1837, the prosecution of this vessel was commenced. The evidence clearly proved the illegality of the voyage in which she had been seized, and the propriety of her detention, and on the 29th December, the "*Traga Milhas*" was declared a good prize to the Governments of Great Britain and Portugal, and the emancipation was pronounced of the survivors on that date, of the 280 negroes delivered into the care of the Collector of Customs at Port Antonio, Jamaica.

18. The Portuguese schooner "*Ligeira*," Gasper Ferreira, Master, sailed under official papers obtained from the Portuguese authorities at the Cape de Verde Islands, and was ostensibly owned by the person who commanded her on the previous voyage to that in which she had been seized. On the plea of indisposition, the Owner transferred the command of this vessel to Ferreira, when the schooner arrived at Havanna from the Cape Verds.

From Havana, this vessel cleared out for the river Bonny in April 1837, to which place she proceeded direct, and received in exchange for the general cargo of merchandize which had been embarked at Havana, slaves, and was in the act of returning to that port, when detained by Her Majesty's brigantine "*Bonetta*," on the 15th November 1837.

The detained vessel in charge of a Prize Officer, reached this port on the 15th December, and on the following day, proceedings were instituted against her in the British and Portuguese Court of Mixed Commission, which ended in proving that, when detained, she was engaged in the unlawful traffic in slaves.

On the 28th December, the condemnation of the schooner "*Ligeira*," her cargo and stores, was decreed, and the survivors of the negroes seized on board of her, amounting to 280, were released from slavery.

H. W. MACAULAY.
WALTER W. LEWIS

Sierra Leone, 1st January 1838.

SIERRA LEONE. (*Netherlands.*)

No. 20.

Viscount Palmerston to Her Majesty's Commissioners:

GENTLEMEN,

Foreign Office, April 9th, 1838.

I HEREWITH transmit to you, for your information and guidance, 12 Copies of an Additional Article to the Treaty concluded at the Hague, on the 4th May, 1818, between Great Britain and the Netherlands, for the Prevention of the Traffic in Slaves. The Ratifications of this Article were exchanged at the Hague on the 27th February, 1837.

I am, &c.

Her Majesty's Commissioners,
&c. &c. &c.

(Signed)

PALMERSTON.

SIERRA LEONE. (Brazil.)

No. 21.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 30th April, 1838.

I HEREWITH transmit to you, for your information and guidance, the Copy of an Instruction which I have addressed to Her Majesty's Commissioners at Rio de Janeiro, by which you will perceive that vessels are not to be considered Portuguese; although bearing the Portuguese Flag, unless they have been built in a Port within the Portuguese Dominions, or unless they bore the Portuguese Flag, and no other, prior to the issue of the Portuguese Decree of the 16th of January, 1837, or unless they are steam-vessels purchased within 3 years from the date of the Decree, and belonging to Portuguese subjects, and are navigated in conformity with the Laws of Portugal.

I add, for your information, the Copy of a Despatch and of the Enclosures referred to therein from Mr. Smith, Her Majesty's Consul at Lisbon.

Her Majesty's Commissioners,
&c. &c. &c.

I am, &c.
 (Signed) PALMERSTON.

First Enclosure in No. 21.

Viscount Palmerston to H. M. Commissioners at Rio de Janeiro.

Foreign Office, 30th April, 1838.

(See No. 67.)

Second Enclosure in No. 21.

Mr. Consul Smith to Viscount Palmerston.

Lisbon, 13th March, 1838.

(See this Series, Class B., No. 45.)

No. 22.

Her Majesty's Commissioners to Viscount Palmerston (Received May 3.)

MY LORD,

Sierra Leone, 1st January, 1838.

WE have the honour to inclose, for your Lordship's information, an abstract of the case of the only vessel adjudicated in the British and Brazilian Court of Mixed Commission, during the year 1837. Five hundred and eighty-six slaves, belonging to this vessel, received the benefits of emancipation.

We have, &c.

(Signed)

H. W. MACAULAY.
 WALTER W. LEWIS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 22.

Abstract of the only Case adjudicated in the British and Brazilian Court of Mixed Commission, established at Sierra Leone, for the Suppression of the Slave Trade, during the year 1837.

Sierra Leone, 1st January, 1838.

THE ship "Incomprehensivel," Luis Antonio Carvalho master, was owned by Portuguese residents of Rio de Janeiro, and navigated in the voyage in which she was detained, under a Portuguese flag and official papers obtained at Mozambique, in November, 1836, when a cargo of slaves was embarked ostensibly for delivery at Angola.

CLASS A. FURTHER SERIES.

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On the "*Incomprehensivel*" rounding the Cape of Good Hope in the alleged voyage to Angola, she maintained a course which would, if it had been continued, have terminated in the neighbourhood of Rio de Janeiro. In this route she was intercepted, on the 23rd December, 1836, by Her Majesty's brigantine "*Dolphin*," Lieutenant Roberts commander, in latitude 23° 56' south, and longitude 16 16' west, and detained on the ground of her being the property of residents of Brazil, who, by employing her in the slave traffic, were violating the existing Treaty between that country and Great Britain, for the suppression of the trade in question.

The detained vessel arrived here for adjudication on the 27th January, 1837, and measures, in prosecution of her on the above charge, were at once instituted in the British and Brazilian Mixed Commission, before His Excellency the acting British Commissary Judge and Mr. Lewis, Her Majesty's Commissioner of Arbitration.

The proceedings in this case, which at first appeared to be a clear one, proved very voluminous, chiefly from the extraordinary line of defence adopted by the master, who appeared also as claimant of the vessel and her cargo; the object of the Master having been to induce the Court to believe that all the official and other papers seized in his vessel, were either incorrect (having been procured on false representations of himself and those concerned with him), or were fictitious, to serve his private ends, as he alleged; and that, in the room of the documentary evidence alluded to, the Court should accept his assertions as to nearly the whole of the matters under decision.

Of the informality, as well as the fraudulent nature of many of the papers of this vessel, the Court entertained no doubt. The bill of sale of the ship was dated one month subsequent to the charter-party, by which the alleged owner, who lived at Rio, engaged his vessel for a voyage to the Mozambique Channel, and from which bill of sale alone, he derived his authority as owner. There was a second charter-party, which bore an equally doubtful character as that to which allusion is made. It had been executed between Carvalho, the master of the ship, and a merchant at Mozambique, of the name of Miguel Caietano Pinto, in November, 1836, and professed to be an agreement for carrying on freight 779 slaves, from that place to Angola, and was signed by the contracting parties. The authority of Carvalho to form such an agreement was not established. This document was enclosed in a Letter from Pinto to Carvalho, on the same day, and addressed to the latter at Angola, as though he had been living there at the time and not at Mozambique. Upon this charter-party, questionable as it was, the Master mainly rested the defence of his vessel, though he even, in part, contradicted the contents of it by his own evidence.

Without, however, further alluding to the defective and suspicious parts of the documents seized in the "*Incomprehensivel*," it may be remarked, that, after they had been carefully looked into, and their real worth, as far as practicable, discovered, they, in conjunction with the evidence received in the case, led the Court to the conclusion, that this ship was owned by some persons resident at Rio de Janeiro, and whom the Court believed to be a society engaged in the slave trade, and of which one Vicente Domingo Saporiti appeared to be the "cashier," in a letter of instructions discovered among the papers. If the Portuguese person named in the bill of sale as living at Rio was really the owner then, that he must have let to hire unconditionally his vessel to the said Society, who had embarked a very large cargo in the "*Incomprehensivel*" in that port, and dispatched her to Mozambique, under the charge of Carvalho, the master, and a man named Viale, who was found at the time of seizure in the situation of a passenger on board. The letter of instructions for this voyage, from the ambiguous manner in which it was worded, plainly shewed that the trade, in which this vessel was to be employed, was of a very questionable character,—that it was in fact the slave trade; that the sub-chartering of the vessel to Pinto by Carvalho at Mozambique, as above-mentioned, was altogether fraudulent; and that the slaves, who had been seized half-way across from Africa to South America, formed the return cargo of the vessel to the Society for that originally shipped by it at Rio, and which return cargo was in the act of being conveyed on the Society's account to some port of South America, when fallen in with by the capturing vessel.

It appeared to the Commissioners who tried the case, an admitted principle of the law of nations, that the national character of a merchant should be taken from the place of his residence, and of his mercantile establishment,—and not from the place of his birth; and the ownership of the "*Incomprehensivel*" and her cargo having been proved to rest in residents of Rio de Janeiro, the Court therefore held, that she had been legally detained under the provisions of the Treaty between Great Britain and Brazil respecting the slave trade.

On these considerations the British and Brazilian Court decreed, on the 17th February, 1837, that the ship "*Incomprehensivel*," her cargo and stores, should be confiscated, and the five hundred and eighty-six slaves, surviving of those originally seized in this vessel, should be free.

(Signed)

H. W. MACAULAY.
WALTER W. LEWIS.

H A V A N A.

No. 23.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 1, 1838.)

MY LORD,

Havana, 31st October, 1837.

THE following is a List of Vessels that have cleared from this Port during the past month for the Coast of Africa, viz. :—

2nd October—	Portuguese schooner	" Felicidad "	—cleared for San Tomé.
3rd "	American "	" Washington "	" Buena Vista.
18th "	Spanish "	" Primera Union "	Santiago de Praya.
19th "	Portuguese "	" Estela. "	"
20th "	American "	" Joseph Fland "	Cape de Verd.

Of the arrivals during the same period we are only able to name 2 vessels, the Portuguese schooners "*Francisa*," from San Pablo de Loanda, and the "*Ligèra*," from the Island of Principe, though we have heard circumstances particularized, which left no doubt in our minds of one or two others. It is, however, worthy of remark, that much more caution is now observed, respecting vessels from the Coast of Africa, as the signals for them at the Moro Castle have ceased to be made, and also the entries in the books of the coffee-houses where the merchants resort.

Of the vessels cleared at the Custom-house for the Coast of Africa, your Lordship will perceive there are two Americans.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 24.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 1, 1838.)

MY LORD,

Havana, 17th November, 1837.

WE have the honour to enclose the copy of a Letter received from Commander Nixon, of Her Majesty's sloop "*Ringdove*," complaining of having been refused communication, by the orders of the Captain-General, with the Spanish schooner "*Vencedora*," which he had detained for having slaves on board, and brought here on the 15th October last. We have also enclosed the copy of a Letter, which we sent to his Excellency the Captain-General on the subject, together with Captain Nixon's Letter, to which his Excellency has not returned any answer.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 24.

Commander Nixon to Her Majesty's Commissioners, 16th October, 1837.

Her Majesty's sloop "Ringdove,"

Havana, 10th October, 1837.

GENTLEMEN,

I beg to inform you, that on anchoring here this day, in Her Majesty's sloop "*Ringdove*," and not seeing arrive in the harbour the "*Vencedora*," Spanish brigantine, detained by me for an infraction of the Treaty, in having concealed negroes on board, I proceeded in my boat to look after

F 2

her, and found her at anchor near the entrance to the Port, flaws of wind having prevented her coming up. To my surprise, I found alongside a Spanish boat, without an officer (as far as I could perceive), who in an uncivil manner, though probably from not understanding the language, forbade my communicating with the vessel. Considering that there might be some mistake in this procedure, I so far attended to it as not to go on board, merely giving some verbal orders. In the evening, about 7 o'clock, my First Lieutenant, Mr. Gray, called to supply the two Officers with some necessaries, when he was also forbidden to go on board, and informed by the Officer in charge of the "*Vencedora*" of the extreme illness of a negro boy. On learning this in the evening, I felt it my duty to go to the "*Vencedora*," and make personal inquiries; but still respecting the orders of his Excellency the Captain-General, I did not insist on going on board, though feeling convinced that the prohibition respecting the "*Ringdove*," if given from sufficient authority, must have arisen from mistaken motives. The "*Vencedora*," however, being at present under the charge of the British flag, and my men having been subjected to much inconvenience, I feel it my duty to make known this circumstance to you, protesting against it, as leading to consequences that ought to be guarded against.

I have, &c.

(Signed)

H. STOPFORD NIXON,
Commander.

Her Majesty's Commissioners,
&c. &c. &c.

Second Enclosure in No. 24.

Her Majesty's Commissioners to the Captain-General, 17th October, 1837.

MOST EXCELLENT SIR,

Havana, 17th October, 1837.

We have the honour to inclose a copy of a letter received from Captain Nixon, Commander of Her Majesty's ship "*Ringdove*," complaining of his having been prohibited, by your Excellency's orders, from having communication with the schooner "*Vencedora*," detained by him on the 14th instant, for an infraction of the Treaty between Spain and England. On making inquiries upon the subject this morning, we find that the prohibition has been removed; but we, fully agreeing with Captain Nixon, that the order, if at all emanating from sufficient authority, was made entirely upon mistaken grounds, feel it a duty to join in the protest against it, as leading to consequences which ought to be guarded against. We have, therefore, respectfully to request of your Excellency, that this proceeding of prohibiting intercourse between a vessel belonging to Her Britannic Majesty and one detained under such circumstances, where the sanatory laws could not have been infringed, may not in future be considered a precedent.

We have, &c.

(Signed)

J. KENNEDY.
E. W. H. SCHENLEY.

His Excellency the Captain-General,
&c. &c. &c.

No. 25.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 1, 1838.)

MY LORD,

Havana, 17th November, 1837.

We have the honour to enclose copies of a correspondence, which has taken place between Her Majesty's Commissioners and Commander Nixon, of Her Majesty's sloop "*Ringdove*," on the one side, and with his Excellency the Captain-General of Cuba on the other, relative to the burial of negroes dying on board of detained vessels generally, and on board the "*Vencedora*" in the particular instance now giving occasion to the correspondence.

Two of the Letters, your Lordship will observe, have reference to other subjects connected with the case of the "*Vencedora*," which have, therefore, to be referred to in the Report of the proceedings had before the Mixed Court respecting it.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 25.

Commander Nixon to Her Majesty's Commissioners.

Her Majesty's Ship "Ringdove,"

GENTLEMEN,

Sunday Evening, 22nd October, 1837.

I HAVE the honour to inform you, that this afternoon a black woman, who speaks English, was on board the "*Vencedora*," and, speaking the language of the negroes there, informed Mr. Phillips, the officer in charge, that they declared they were all direct from the Coast of Africa, with many others who were sent they knew not where, and that they left Africa about two moons ago. When we first boarded the "*Vencedora*," and found so many Spanish passengers on board, 49 men and 2 women,

I did not go into all the strictness of search and taking inventories, from expecting to reach Havana the next day, and the great detention and inconvenience it would have caused to so many passengers. In the same spirit of conciliation, I had given leave to three of the passengers, on their asking me and saying how much it would convenience them, to sleep on board, but I have just now learnt that six of them had told Mr. Phillips, they had my permission, and not only returned to sleep, but came and went during the day; but after to night I shall not allow them on board again. From the peculiar circumstances of the "*Vencedora*," the whole object of myself and officers has been to act by her in the most open and least annoying manner possible; but as I have now received information, and suspect we have been grossly deceived by her assumed character of a Government Packet from Cadiz, I have to request you will call for the production of her Log before the Court, and that her cargo and the whole vessel may be strictly examined, as well as the negroes.

I yesterday reported personally to Mr. Kennedy the death of one of the negro girls, requesting to know what I would do as to her funeral. Mr. Kennedy took Mr. Wake, volunteer 1st class, of this sloop, to inquire of the Spanish Secretary of the Mixed Commission, as I understood, but he not being at home, Mr. Kennedy sent a gentleman with Mr. Wake to the Captain of the Port on the subject, who declined having anything to do with it. Dr. Finlay, who visited the negroes officially and professionally, and saw the dead body, also assured me he would take steps about the funeral; but no directions on the subject coming to me this day, I felt it my duty, for the safety of the others and my own men from contagion, to send the body outside the Moro, and attaching a shot to it, committed it to the deep.

I have, &c.

(Signed)

H. STOPFORD NIXON.

Her Majesty's Commissioners,
&c. &c. &c.

Second Enclosure in No. 25.

Commander Nixon to Her Majesty's Commissioners.

Her Majesty's ship "Ringdove,"

Havana, 25th October, 1837.

GENTLEMEN,

I REGRET to inform you that another of the negroes on board the "*Vencedora*," a boy, is now dying, as reported to me by Mr. Watson, surgeon of this sloop. Not having had an answer to my former applications, as to the disposal of the body of a negro girl who died, I have now to request you will inform me what I shall do in the event of the death of this boy.

I am, &c.

(Signed)

H. STOPFORD NIXON.

Her Majesty's Commissioners,
&c. &c. &c.

Third Enclosure in No. 25.

Her Majesty's Commissioners to the Captain-General.

Havana, 25th October, 1837.

THE Undersigned, Commissioners of Her Britannic Majesty, have the honour to acquaint his Excellency the Captain-General that a report has been made to them by Commander Nixon, the officer who detained the Spanish schooner "*Vencedora*," that one of the negroes on board that vessel is now dying, and requiring to know what is to be done with the body.

As in all former cases of a like description, the duty of burying these persons has invariably been performed by the Spanish Authorities, the Undersigned request the favour of his Excellency to issue the necessary orders to that effect upon the present occasion.

The Undersigned avail themselves, &c.

(Signed)

J. KENNEDY,
E. W. H. SCHENLEY.

His Excellency the Captain-General,
&c. &c. &c.

Fourth Inclosure in No. 25.

Her Majesty's Commissioners to Commander Nixon.

SIR,

Havana, 26th October, 1837.

WE have to acknowledge the receipt of your letters dated the 22nd and 24th October instant, requesting a further examination of the crew, cargo, and papers of the "*Vencedora*," Spanish schooner, detained by you on the 14th instant, and also communicating to us the circumstances relating to the death of one of the negroes on board the "*Vencedora*," and the illness of another.

On Saturday, the 21st instant, the Court of Mixed Justice closed its examination of the witnesses and papers, so far as they were produced, and on Monday morning had deliberated on the sentence to be passed before your first-mentioned letter was received. That letter offered suggestions of so indefinite a nature, that it was impossible to act on it so as to open the case again after it was so far closed; but the information detailed in the second letter being of a more defined character, Her Britannic Majesty's Judge, immediately on the receipt of it, went with it to the country house of the Conde de Fernandina, the Spanish Judge, and after showing it to him, forwarded a copy the same afternoon, with a formal request for another meeting of the Court, and a further consideration of the case.

As soon as his answer is received we will forward you a copy, that you may act upon it as you think advisable.

With regard to the death of the negro girl, respecting the disposal of whose body you complain of having received no assistance, Her Britannic Majesty's Judge had done all that laid in his power, by directing the Secretary to the Commissioners to go with your Officer to the Captain of the Port, who, upon all former occasions, had performed the like duty. Upon what grounds he founded his refusal in this case, we have not been informed; but in the meantime we have transmitted your complaint to the Captain-General, with a request that the local Authorities be better instructed in future.

At the same time you will recollect, in the conversation you had on the subject with Her Majesty's Judge, in answer to your saying that if there was any difficulty about the matter you had no objection to sending a boat outside the harbour with the body, he told you that he quite agreed in the propriety of that course, should any delay arise, as too often occurs in the most important matters in this country in the inferior departments.

In case of the death of another, and the neglect of the local Authorities of any communication on the subject, we have no hesitation in advising a like disposal of the body.

We have, &c.,

(Signed)

J. KENNEDY.

E. W. H. SCHENLEY.

To Commander Dixon, H.M.S. "Ringdove."

Fifth Enclosure in No. 25.

The Captain-General to Her Majesty's Commissioners.

GENTLEMEN,

Havana, 26th October, 1837.

Your communication of yesterday, in which you are pleased to acquaint me that one of the negroes on board the Spanish schooner "*Vencedora*" is dying, and desiring to know what is to be done with the body, I sent to the Captain of the Port for his report thereon, which Officer has replied, under this day's date, as follows:—"Most Excellent Sir,—There has been no fixed rule up to the present period for interring the bodies of persons who have died in this Port; when Catholics, and having been attended by physicians of this place, and their decease not occasioned by contagious disorders, they have been interred in the general burial-ground: to others, not Catholics, burial has been given in the stranger's burial-ground, and several captains of vessels who have requested leave to sink outside of the Moro individuals of their crew who have died, have been permitted to do so, under the charge of attaching a sufficient weight to the body to sink it."

And I transcribe this to you, Gentlemen, for your information, and in reply to your said communication.

God preserve you many years,

(Signed)

MIGUEL TACON.

To the Commissioners of Her Britannic Majesty in the Mixed Court of Justice.

No. 26.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 1, 1838.)

MY LORD,

Havana, 22nd November, 1837.

WE beg to refer to our Despatch of the 28th October, in which we informed your Lordship of the Spanish schooner "*Vencedora*" having been detained in about latitude 23° 23' N., longitude 80° 58' W., by Commander Nixon, of Her Britannic Majesty's sloop "Ringdove," on the 14th October last, and brought into this Port on the day following, having on board 26 Bozal negroes. We also informed your Lordship, that the Mixed Court of Justice having met on the 19th October, and two following days, to receive the evidence, the two Judges had a conference on the 23rd and 24th of the same month, and not being able to agree upon the Sentence to be pronounced, they drew lots, as directed by the Treaty, when the lot fell on the Spanish Arbitrator, leaving the case, thus far, undecided at the close of the Despatch.

We have now the honour to inform your Lordship, that the proceedings, and the separate opinions of the two Judges having been previously laid before His Excellency Don Juan Montalvo, the Spanish Arbitrator, a conference was held on the 11th November, instant, when His Excellency gave his decision in accordance with the opinion of the Spanish Judge, by which the detention was pronounced to have been illegal, and declaring that the vessel and crew should be liberated, the slaves given up to their owners, and costs awarded according to the provisions of the Treaty.

Your Lordship will observe, by the Abstract of the Evidence (No. 2 of the Enclosures), and the Opinions (Enclosures 6 and 7) of the two Judges, with the Sentence (No. 8) finally pronounced, that there were two questions before the Court. First, Whether the vessel was provided with a sufficient Passport, as according to the Regulations of the Treaty of 1817, Instructions, Article VII.; and,

Secondly, Whether negroes having been recently brought from Africa into Porto Rico, and thence forwarded to the Havana, with Passports obtained from the Government of that Island, rendered the vessel so conveying them liable to detention.

Her Britannic Majesty's Judge held, 1st, That the Passports (Enclosure No. 3) were not sufficient, the Treaty requiring vessels conveying slaves to be provided with a special Passport "*ad hoc*," which the "*Vencedora*" had not; and, 2ndly, That even if the Passports were sufficient, yet the circumstances under which they were obtained amounted to a fraud, and rendered the vessel liable to detention.

Contrary to this opinion, the Spanish members of the Court decided, that the vessel was illegally detained, and, as Her Britannic Majesty's Judge understood, upon the grounds that the Passports were sufficient, and that they protected the vessel, though conveying slaves recently, and therefore illegally imported from Africa. This doctrine, however, was afterwards repudiated by His Excellency the Conde de Fernandina, in a letter which, with the answer, we have enclosed; (Nos. 18 and 19), leaving the reason of his judgment otherwise quite inexplicable. His decision, however, thus becoming the judgment of the Court, we have it only left us to regret, especially as it is to be considered as binding in future, inasmuch as that Trade may now be carried on openly, which before was only of a smuggling character, namely, bringing into the Havana from Porto Rico the slaves recently brought there from Africa, as to a depôt, for which the situation of that Island is so admirably suited.

Important, however, as the case already appeared, yet, during the course of the trial, circumstances arose rendering it still more important, so as, in our opinion, imperatively to call for the earnest attention of Her Majesty's Government.

The vessel was unquestionably direct from Cadiz to Porto Rico, but startling and almost incredible even as it may appear, it was discovered, after the evidence was gone through, that the "*Vencedora*," instead of being a vessel engaged in the Packet Service, as at first alleged, had actually previously come to Cadiz from the Coast of Africa with those negroes on board! That they had been thence brought to Porto Rico below deck, concealed from the passengers taken on board at Cadiz, in a manner necessarily to occasion much human suffering and great mortality! That a number of the negroes had been left at Porto Rico, where the vessel stayed 8 days; and that there, having obtained the colourable Passports above referred to, the negroes were brought up to the view of the passengers on board, their former confinement no doubt having made it absolutely necessary.

Under these extraordinary circumstances, Her Majesty's Judge immediately applied to the Conde de Fernandina for a further hearing of the case (see Enclosure No. 12), to which His Excellency seemed to assent, referring it to the conference with the Arbitrator chosen by lot, whose interposition, however, in the first instance, Her Majesty's Judge declined to admit (see Enclosures No. 13 and 14). In this opinion the Spanish Arbitrator agreed; but upon Her Majesty's Judge again demanding, first verbally, and afterwards in writing (Enclosure No. 16), a further hearing of the cause, as being upon a totally different charge, as well as on additional evidence, the Spanish members of the Court refused to allow it, stating their reasons (Enclosure No. 21).

We have endeavoured thus to state to your Lordship, as succinctly as possible, the more prominent circumstances of this case, in which we feel it difficult to express our astonishment at the daring heinousness of the offence imputed, or at the refusal to investigate into its correctness. Though, if well founded, it could scarcely have failed to come within the knowledge of the Authorities at Cadiz; yet we have no hesitation, from all the circumstances that have come to our knowledge, to express a full belief in the truth of the accusation; and were it not for our confidence in the integrity of our Spanish Colleagues, we should be inclined to ascribe to them also an improper determination to screen the offenders. Your Lordship, however, perhaps will be able to decide more impartially on the conflicting opinions, and also to judge of the remedy to be adopted against the evils likely to result, should these precedents unfortunately be allowed.

Your Lordship will not, we think, consider it necessary for us to have noticed every particular of this extraordinary case; though, undoubtedly, there are other fallacies and suggestions deserving of extended remark. But we cannot fail to point out to your Lordship's attention, the assertion of the Spanish Judge (Enclosure No. 18), that the Treaty of 1835 only is to be observed, as an instance of the manner in which the case has been met. This dictum was decidedly opposed by Her

Britannic Majesty's Judge declaring, that the second Treaty was only intended to strengthen and extend the first, in accordance with your Lordship's Despatch to the Commissioners at Sierra Leone, dated the 15th October, 1836.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

The Right Hon Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 26.

Captor's Declaration in the Case of the "Vencedora."

I, HORATIO STOPFORD NIXON, Commander of Her Britannic Majesty's sloop "Ringdove," hereby declare, that on the 14th day of October, 1837, being in or about lat. 23° 23' N., long. 80° 57' W., I detained the brigantine named the "Vencedora," sailing under Spanish colours, not armed, commanded by Don Antonio Lloret, who declared her to be bound from Cadiz and Porto Rico to Havana, with a crew consisting of 14 men and 49 Spanish passengers; the names of the crew, as appear by the papers, are in a list at the foot hereof. On examining her below, 26 negroes were found, who had not been mentioned; then, and not till then, the Master produced the papers said to be Passports for them from the Governor of Porto Rico, and they are enumerated as follows, viz. :—

	Healthy.	Sickly.
Men	9	0
Women	7	0
Boys	7	0
Girls	2	1

I do further declare that the said brigantine appeared sea-worthy, and was supplied with a sufficient stock of water and provisions for the support of the said negroes, crew, and passengers, on their destined voyage to Havana.

I do further declare, that the said Don Antonio Lloret did not, upon being questioned, acknowledge having slaves on board; and that it was only upon the Master of the "Ringdove" searching the vessel and finding the said negroes concealed in the fore-peak, that the said Don Antonio Lloret produced the papers marked 3, 4, and 5, purporting to be Passports for the removal of the said negroes from Porto Rico, but he produced no passports for the vessel, authorizing her to carry slaves from one Port in the Spanish Possessions to another, nor did he exhibit any notification on the other papers of the vessel that he had any such negroes on board: this circumstance, with the fact of their concealment, afforded me convincing proof that the said Don Antonio Lloret was aware of the illegality of his proceedings.

The slaves appeared to be of recent importation, had no other clothing than a piece of cloth tied round their loins, their heads shaved, and some of them were in a sad state of emaciation.

Given under my hand, on board the said sloop, this 15th day of October, 1837.

(Signed)

H. STOPFORD NIXON, Commander

Witnesses, (Signed)

JOHN SHEPHERD, Master.

J. WATSON, Surgeon.

Second Enclosure in No. 26.

Abstract of the Evidence in the case of the "Vencedora."

19th October, 1837.

Horatio Stopford Nixon, Esq., Commander of Her Britannic Majesty's sloop "Ringdove," being duly sworn, and having shown his Instructions, declared, that all particulars relating to the detention of the schooner "Vencedora" are amply explained in the declaration in English which he now presents, signed by himself. That the Papers taken on board the detained vessel by Mr. Shepherd, Mate of the "Ringdove," he now also presents. They are 5 in number, viz., 1. the muster-roll; 2. the bill of health (delivered to the health officers on his entrance into this Port); and the rest up to No. 5 are the passports of the negroes found on board. That although the said Mate also delivered to him a number of passports, belonging to the passengers of the "Vencedora" from Cadiz to Porto Rico, and from the latter place to the Havana, he returned the first-mentioned their passports, and is likewise going to return the rest, considering them unnecessary for the prosecution of the cause, excepting only the 4 Papers remaining out of the 5 he first mentioned.

Mr. John Shepherd, Mate of Her Britannic Majesty's sloop "Ringdove," being duly sworn, confirmed the declaration of the Captor, signed by himself as witness, and declared that nobody on board the "Vencedora" told him there were Bozal negroes in the fore-peak, but that he himself found them there, on going below to search. Being asked if any of the crew observed the tardiness of the detained Captain to produce the passports of the said negroes, he declared that nothing else occurred than what he has stated on this particular.

Mr. John Watson, Surgeon of the "Ringdove," being duly sworn, likewise confirmed the contents of the Captor's declaration, and his own signature as a witness, and declared that, understanding the Spanish language, he was present as interpreter at the detention of the schooner "Vencedora," and that the Captain of this vessel, in reply to deponent's question, who told him that they had gone on board to look for negroes, signified that he had no negroes on board, but that the mate having depressed his desire to examine the vessel, and going below, found that there were negroes. That the deponent did not go below with the Mate; and on asking the Captain why he had told him he had no negroes on board, the Captain replied that in fact he had none, because those below were passengers, as appeared by the passports which he then exhibited. That he found the negroes in a state of

emaciation, but only one of them suffering from diarrhoea and incipient scurvy; that the most of them are young, from 10 years upwards; that some are marked on the face, others on the body, and that they cannot tell their own names.

20th October, 1837.

Don Antonio Lloret de Jayme, being sworn, declared that he is a native and inhabitant of Villa Joyosa, in the province of Alicante, married, and at present Captain of the schooner "*Vencedora*." That he was detained by an English brig-of-war, whose name and that of her commander he does not know, between Salt Key, the Rogues, and the Keys of this coast; and that he cannot state the cause to be other than that he was boarded and examined by the said brig-of-war, and his Papers demanded. That the muster-roll, the bill of health, and the passports of the individuals embarked at the port of Cadiz, as well as of the others, white and coloured, taken on board at Porto Rico, were taken from him and retained by the English commander, who ordered him to continue his voyage to Havana under the escort of 2 officers and 12 seamen of the crew of the capturing vessel. That he arrived at Porto Rico on the 28th September last, and from thence he sailed for Havana on the 7th October instant. That he sailed from Cadiz with a cargo of Peninsula produce, such as oil, vermicelli, garlic, and other articles, as appears by the Register which was opened at Porto Rico, and that the drawback was taken off of what remained there. That he took the 26 negroes on board at Puerto Rico, as appears by the passports taken from him by the English officers at the time of detention. That besides these he now presents two documents, Bills of Sale, one by Don Ramon Trevilla, dated the 3rd instant, for 14 negroes of both sexes, in favour of Don José Antonio Vedal, and the other, dated also the 3rd instant, for 7 negroes of both sexes, which Don Bartolomé Ferzer signs in favour of Don Angel Arcinelles (which documents are taken to annex to these proceedings); that two other documents are wanting for the 5 negroes, who complete the 26 above mentioned, which documents must be, as well as he can recollect, in one of the trunks remaining on board, and which he will produce, if necessary, as soon as he can get at them. That all the negroes are comprised in the 3 passports taken by the English commander. That he did not hear of the negroes arriving from any other place while he was at Porto Rico; that he only knows of their coming from Porto Rico, where he embarked them, and that 2 days after his arrival from the Peninsula he was applied to to bring them to this Port. That he had entertained no doubt respecting the embarkation of the negroes, because, besides not being prohibited by his Government from embarking them in one Spanish port for another, he did not observe the least objection on the part of the authorities at Porto Rico, to give their permission for their clearance and embarkation for this Port of Havana. That the negroes were not naked, but dressed the same as when they came on board; that he had placed them from the commencement of the voyage in the fore-peak, from which he took away his crew, and that then, on account of the heat, and because it was almost night when the English officer made his search, it might have been that some or many were naked; but it might likewise have been seen on the following day, when they came on deck, that they were dressed as when they embarked. That, with respect to the delay he is said to have made in the delivery of the passports, he declares, that there was no difference or delay between the delivery of those of the white passengers and those of the negroes; that he placed them all on the table, and as he took them out the officer read them, and he, deponent, afterwards showed them to the Commander, who said they were good, and took them away: that this is truly the manner in which it was done. That after the search the English commander retired; that on the evening of the following day he returned on board the "*Vencedora*," with a certificate respecting the before-mentioned Papers, but that, not being signed, he would not receive it, and the Commander returned on board his vessel. That after their arrival in this Port, and they were admitted to free pratique, the English Commander returned with the said certificate, which he signed on the companion hatch of the "*Vencedora*," and handed to deponent, who again refused to take it, desiring him to deliver it to the Captain of the Port. That the Papers now shown to him, numbered 1 to 5, excepting No. 2, which is the bill of health, are the same that he delivered to the English Commander, and that he also delivered to him the passports of the individuals he carried from Cadiz to Puerto Rico, and from thence to the Havana. That he holds the Royal sailing passport, the counter-sign, and the deed of ownership of the vessel, and that, respecting the negroes, there are no other Papers besides the 2 documents (bills of sale) which he mentioned in the body of the Declaration. That he cannot state whether or no the negroes spoke Spanish, or could answer to their names, because they were placed in the part of the vessel already explained, and that deponent, as Captain, being in that part pertaining to him, had no reason for making himself familiar with them, or for conversing with them. That he took them on board with the knowledge of the Government, as he has stated, without believing he was liable to such examination; but he thinks there is one or other of them called Antonio, who explains himself sufficiently. That he believes the negroes on board his vessel are the same as are indicated in the before-mentioned passports, because the passports were delivered at the same time as the negroes. That he had 49 white passengers, including two women, on board when he arrived at Havana.

Don Vicente Miguel Navarro, Chief Mate of the schooner "*Vencedora*," being duly sworn, deposed that he was detained between the Rogues and the Southern Keys; that he was brought to this Port by 2 officers and 12 men of the crew of an English brig-of-war, who were placed on board by her Commander, all of whose names he is ignorant of, as well as of the cause of being brought into this Port, for that the detained Captain being asked how many passengers he had on board, and replying that in all there were 75, namely, 49 whites and 26 negroes, the English officer who was sent by the Commander to make search thus reported, when the Commander came on board the "*Vencedora*" and took all the passports, the muster-roll, and the bill of health, notwithstanding that the Spanish Captain intimated that he ought to keep the said documents in his possession. That the Captain took on board the 26 negroes at Porto Rico; that he does not know if they are his property; that he heard or understood that they belonged to different owners, who paid the Captain freight to bring them to Havana. Being questioned as to whether he knew if the negroes spoke Spanish, or could answer to the names given them in the passports, he stated that on one occasion he heard Lorenzo called, and that a negro answered "Señor" (Sir), but that, as he had nothing to do with them, nor with their embarkation, he cannot be certain whether or no they speak Spanish, nor as to the name belonging to each, according to the passports. That the negroes were not naked; that they came on board at Porto Rico dressed, and were put below into the fore-peak, where, at night, they undressed themselves to sleep, and when they came on deck they were dressed. That they went from Cadiz to Porto Rico with a cargo of Peninsula produce, such as garlic, vermicelli, wines, &c. That they went from Cadiz to Porto Rico without touching at any other place. That they arrived at Porto Rico on the 28th September last,

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and he believes the Captain was applied to, the second or third day after, to bring the negroes to Havana. Being asked if, in case the negroes were present and Lorenzo called, he would answer, as before stated, "Señor, he replied that probably, as he then answered "Señor," there is no reason why, on being called by his name, he should not give the same answer, as is reasonable to suppose. That he believes the Papers now shown to him, numbered from 1 to 5, excepting No. 2, which is the bill of health, are the same as were taken by the English Commander, although they were not under his charge, but more properly the Captain's. That in his last answer he has declared, that it is not his duty to know positively the particulars respecting the vessel's Papers or others, which is the Captain's business, but that he thinks the Captain must have the Royal sailing passport, the countersign, the register, &c.

Don Juan Pedro Jimenez, Second Mate of the "*Vencedora*," being duly sworn, deposed that he was detained by an English brig-of-war, whose name he does not know, between Salt Key and the Keys of this coast, on the 14th instant, in consequence, as he believes, of having found on board the "*Vencedora*" 26 negroes, who were embarked at Porto Rico. That the "*Vencedora*" was from Cadiz, and did not touch at any port on her passage to Porto Rico, consequently she neither landed nor embarked any thing. That he does not know whether the negroes speak Spanish, although he has heard one of them answer Sir (Señor) when called; neither can he be certain that those named in the passports are the same that were on board, because he has never seen their passports, and that their passage was taken from the Captain, as a matter pertaining to him. That he was present when the negroes came on board, and that they were dressed like other negroes of the country. That he repeats what he has just stated; and that if the English officers found the negroes naked, it was because they arrived at nightfall, when they were going to sleep, and the heat obliged them to take off their clothes. That the Papers now shown to him, numbered from 1 to 5, excepting No. 2, which is the bill of health, appear to him to be the same as were taken by the Captor, although he does not know for certain the passports.

Third Enclosure in No. 26.

Copies of the Passports for the Negroes on board the "Vencedora."

Don Francisco Moreda Prieto, Gobernador, Capitan-Gr^{al}, &c. &c., en la Isla de Puerto Rico.

Concedo licencia à Don Ramon Trevilla de este comercio, para que pueda remitir à la Habana, en el buque que se le proporcione, catorce negros esclavos de sa propiedad nombrados José, Antonio, Maria, Antonia, Manuel, Josefa, Miguel, Ursula, Nicolas, Juana, Manuela, Francisca, Jorge y Lomasa, que ha vendido à Don José Antonio Vidal y Pascual de aquel comercio y vecindad. Puerto Rico: 4 de Octubre de 1837.

(Firm^o)

FRANC^o. MOREDA.
EL CONDE DE CARPEGNA.

Otra.—Concedo licencia à Don Antonio Yorate, para que pueda remitir à la Ciudad de la Habana dos Criados de su propiedad, nombrados Juan y Antonio, en la ocasion que se le proporcione. Puerto Rico, 5 de Octubre de 1837.

(Firm^o)

FRANC^o. MOREDA.
EL CONDE DE CARPEGNA.

Otra.—Concedo licencia a Don Bartolome Ferrer para que pueda remitir à la Ciudad de la Habana diez criados de su propiedad, nombrados Pedro, Antonio, Lorenzo, José, Esteban, Ramon, Dolores, Damasa, Dario y Gabino, en la ocasion que se le proporcione. Puerto Rico, 5 de Octubre de 1837.

(Firm^o)

FRANC^o. MOREDA.
EL CONDE DE CARPEGNA.

Fourth Enclosure in No. 26.

(Translation.)

Count Ferdinandina to Mr. Kennedy.

MY DEAR SIR AND ESTEEMED COLLEAGUE;

October 24, 1837.

I STATED to you at our last interview, that I considered the schooner "*Vencedora*," to be wrongfully detained, founding this opinion on the Bill of Health from Porto Rico, containing the total number of passengers, to which class belonged the 26 slaves, provided with their passports in regular order, granted by the Captain-General of that Island. Besides, they almost all came with the documents of purchase, legally extended in favour of their proprietors in the Havana, and the commander of the cruiser, as soon as he saw the passports, ought to have left the vessel at perfect liberty, according to the 3rd Rule of the 4th Article to the last Treaty, as he did not find in her equipment any of the things mentioned in Article 10, nor could have any other just motive for suspecting her to have been engaged in the prohibited traffic, or to be destined for it.

The English Officers declare, that the Spanish Captain was silent as to the existence of the slaves until they were seen; but this circumstance, which the said captain denies, is of no importance when the Bill of Health expressed the number of 75 passengers; and on the other hand, the production of the passports ought at any time to have satisfied the Commander of the "Ringdove."

It is in my opinion a mistake to believe that, in order to conduct slaves from one Spanish port to another, the Royal Passport which was exacted by the Treaty of 1817 is necessary. The object of this passport was to permit the Trade in Slaves to the south of the Line, as expressly determined in the Instructions annexed to the Treaty, and an irrefragable proof that neither then nor at present was the transfer of slaves, in the character of passengers, from one Spanish port to another, considered illicit, is, that the said Treaty of 1817 only declared illicit the Trade carried on "in Spanish vessels bound for any port not in the dominions of His Catholic Majesty."

Whether the slaves were naked or not, or knew the Spanish language or not, are likewise circum-

stances which prove nothing. Both Treaties establish the privilege of transporting slaves, always provided it be not with the express object of the Trade with Africa; and the sole inspection of the vessel, the small number of slaves, and the circumstance of their having been alienated in Porto Rico, did not permit for a moment to be doubted, that this was not a prohibited case.

Such are the grounds which induce me to consider improper the detention of the schooner "*Vencedora*." If you entertain the same ideas, our decision might be drawn up in the terms of the accompanying minute, otherwise, we will respectively give our opinions; in which case I reserve the right of enlarging upon the above reasons.

I am, with the greatest consideration, &c.

(Signed)

EL CONDE DE FERNANDINA.

J. Kennedy, Esq.

Sub-Enclosure in No. 26.

Minute accompanying the Conde de Fernandina's letter of the 24th October, 1837.

(Translation.)

In the Havana of October 1837, the Conde de Fernandina and James Kennedy, Esq., judges of the Mixed Court, &c., &c., having considered the proceedings consequent upon the detention of the schooner "*Vencedora*," by Her Majesty's cruiser "*Ringdove*," &c., &c., declared, that it being manifest from the documents found on board the detained vessel, and from the state in which the vessel was found, that she had not been engaged in the Slave Trade, neither that she was equipped for the purpose, as also that the Africans whom she conveyed came in the quality of passengers, with their corresponding passports, that they ought to absolve, and in effect do absolve by this their sentence, the said vessel, and order that both the vessel and her cargo, in the state in which they may remain, be delivered up to the Captain and others interested, as also the slaves to their owners. That this determination be communicated to His Excellency the Captain-General, in order that all the individuals who are under detention, pending the present cause, be set at liberty, and that the proceedings be registered.

Fifth Enclosure in No. 26.

Mr. Kennedy to Count Fernandina.

Cerro, 24th October, 1837.

MOST EXCELLENT SIR,

I REGRET exceedingly that on the first question that has come before us, I have the misfortune to differ from your Excellency, but I cannot assent to your opinion that the passport referred to in Article 7 of the Instructions, is the same as was required for the Slaves Ships trading to the Line.

The Article 7 says, "*de un puerto de las posesiones Espanolas á otro*," and I do not recollect any Spanish possession on the coast of Africa.

Nor can I assent to your Excellency's opinion, that though the negroes had been but recently imported from Africa, yet that the papers produced as passports protected the parties carrying them from one island to another. In this case, I consider and believe it all one transaction, the bringing them from Africa to Puerto Rico, and from Puerto Rico to the Havana.

Under these circumstances, I will take leave to call on your Excellency in the morning, to enable the matter to be brought to a decision as speedily as possible.

I have the honour to be, &c.

(Signed)

J. KENNEDY.

His Excellency

The Conde de Fernandina.

&c. &c. &c.

Sixth Enclosure in No. 26.

(Translation.)

Opinion of the Spanish Judge in the Case of the "Vencedora."

Considering,

1st.—That in the Spanish schooner "*Vencedora*" there was not found even one of the things which, according to Art. 10 of the existing Treaty, could have legitimized her detention, and caused it to be presumed that she was engaged in, or destined for, the Slave Trade.

2ndly.—That if she conveyed on board 26 slaves with their corresponding passports, it was in the quality of passengers, included, like the rest, in the *Real* and Bill of Health; nearly all of them bringing likewise a document, in form of the Bill of Sale, in favour of their respective proprietors in this city.

3rdly.—That these Documents and Passports peremptorily prove the circumstance, that the slaves were not brought for the express and prohibited object of the traffic; but that being already alienated in Porto Rico, they came to join their owners, and in too small a number to admit of other reasonable conception.

4thly.—That the Captain of the "*Vencedora*," even though he neglected to explain to the officers of the British cruiser "*Ringdove*," as they affirm, that 26 of the passengers were slaves, performed his duty by stating the total number of 75, as shewn by the afore-mentioned Documents, and by presenting the Passports granted by the Government of Porto Rico.

5thly.—That the transfer of slaves from one Spanish port to another has not been prohibited by either of the Treaties, but on the contrary, most expressly permitted; since in several of their Articles the case is supposed in which those found on board of detained vessels ought to be restored to their owners.

6thly.—That the only thing pointed out as requisite for such transfer by the 7th Art. of the Instructions annexed to the Treaty of 1817, was a Passport *ad hoc* from the Government of the country; which Article has not been included in the present Instructions, and therefore ought to be considered

without effect, since the Mixed Courts are only obliged to judge according to the stipulations of the last Treaty, as expressly directed in the concluding paragraph of Art. 7, and in the 3rd of Art. 1, of the Regulations of the said Courts.

7thly.—That even admitting the old Instructions to be in force, and the necessity of the Passport *ad hoc*, it is evident that the Government of Porto Rico permitted the removal of the slaves in the first vessel that might offer, by which it indubitably authorised the schooner "*Vencedora*" for the purpose, without the possibility of raising a question as to the validity of the Passports; since they were granted by the competent Authorities, and the Treaty contained no form to which they had precisely to subject themselves.

8thly.—That even supposing, contrary to what appears in the Documents, that this Passport was wanting, its simple absence could never convert into illicit traffic the mere transfer of slaves from one Spanish port to another, without this requisite; and when the most that could be said upon this hypothesis is, that the slaves ought to be returned to the port from whence they came, as improperly exported.

9thly.—Considering lastly, that the clothing used by the slaves during their passage, and their greater or lesser instruction in the Spanish tongue, are circumstances not pointed out in the Treaty, as inducing reasonable suspicion, and cannot consequently establish a charge against the detained vessel.

For all the above reasons I am of opinion, that the schooner "*Vencedora*" ought to be absolved on every point, and restored, together with her cargo, to the Captain and others interested, delivering up the slaves to their owners, and communicating this determination to His Excellency the Captain-General; in order that all the individuals, who have suffered detention in consequence of these proceedings, be immediately set at liberty.

Havana, 25th October, 1837.

Seventh Enclosure in No. 26.

Opinion of Her Majesty's Judge in the Case of the "Vencedora."

THE Spanish schooner "*Vencedora*," from Cadiz and Porto Rico to the Havana, having on board 49 Spanish passengers and 26 negroes, was detained on the 14th of October instant, in about latitude 23° 23' N., longitude 80° 58' W., by Her Majesty's sloop "*Ringdove*," Captain Nixon, for having the said negroes on board, and not being provided with such a passport as is required by Art. VII. of the Instructions in the Treaty of 1817.

The evidence of the English officers (denied, however, by the Spaniards), showed, that, upon the discovery being made of the negroes on board, and not till then, three passports, or licenses, were produced from the Government of Porto Rico, authorising certain persons to remove, in one passport, 14 slaves; in the other two passports, 12 (*criados*, or) servants, "by any vessel or opportunity they pleased, or that offered—(*que se le proporcione*). The evidence also showed, that on the ship's "rol," or rather that part which we should call the Custom House clearance, at Porto Rico, though 49 passengers are noted, answering to the number of white passengers on board, no reference whatever is made to the 26 negroes! while, on the Bill of Health, the number of passengers is stated to be 75, which is the exact number of the Spanish passengers and negroes together on board.

I do not think that either the Custom House clearance or the Bill of Health can possibly be said to answer to the character of passports granted by the Government. If either, it would be the former, which is defective with regard to the negroes, rather than the latter, which is given as a matter of course, by the Captain of the Port, and, it cannot be doubted, that, if fraud were intended, it would certainly be practised with the former rather than with the latter. The question here, therefore, appears to be whether these passports, giving a licence to certain persons to remove certain negroes in so very indefinite a manner, is sufficient to satisfy what is required by the Article VII. of the Instructions referred to.

I think they are not sufficient, believing that, according to the treaty, it is not only necessary, in the removal of slaves, to have passports for them respectively, as with other persons, but that it is also necessary for the vessel itself to be provided with a special passport for them, to render the conveyance of them lawful.

No words can be clearer than those of the VIIth Article, which are comprised in about two lines—viz., "No conveyance of slaves from one port in the Spanish possessions to another, shall take place, except in vessels provided with passports from the Government on the spot, *ad hoc*." I would note that, in the Spanish version of the Treaty is to be found a word not given in the English, "*expedidas*" (*expedidas ad hoc*); a word, I conceive, of no small import in the consideration of the present question, as strengthening my argument.

Whether it has been the practice to give vessels such passports or not does not alter the question. No neglect of the stipulation can affect its validity, and it may be that no vessels have been engaged in so removing slaves from one Spanish port to another, of late years, so as to render such passports necessary.

But a suggestion has been made, that the stipulation refers only to vessels having slaves on board as a cargo. Supposing this were so, though I do not assent to it, what stronger instance can be found than this of a vessel carrying slaves as a cargo, where the slaves, as is proved by all the evidence, cannot speak a word of Spanish, and know not even the names assigned them, who are not attended by either owner or agent, and of whom some even appear by the produced passports to be consigned to a merchant at Havana? But I cannot find one word in the article giving it so limited a character, nor is it likely that cargoes of slaves should be brought from one port in the Spanish possessions to another, unless they had first been recently imported from Africa, and were sought to be removed by wholesale; which contingency requires discussion hereafter. I cannot, therefore, give this article any so limited an interpretation. My opinion, on the contrary, is, that it was the intention of the two Contracting Powers to guard against the occurrence of ships coming from Africa, which had succeeded in landing their slaves in one place, procuring them to be removed to another more convenient, either in instalments or in cargo. For if this practice were allowed, ships landing their slaves at Porto Rico, to escape from the cruisers, and making that island a depôt, for which its situation for this illicit traffic is so well suited, might smuggle them afterwards into the Havana, as

opportunities offered, by the coasting or other vessels, with still greater impunity than they already have done.

In fact, I believe the Article had in view the very case now before the Court, where it is proved by the evidence, beyond a doubt, that the negroes have very recently been brought from Africa, not only by their being in a state of nudity and emaciation, and by having their heads shaved in the manner of newly imported Africans, but more so by their ignorance of the Spanish language, or even of the names assigned them in the passports, which two last mentioned facts were acknowledged even by the master and two mates of the detained vessel.

But the Conde de Fernandina advances an opinion, that even though they have been recently and illicitly brought from Africa, yet, that having been sold in Porto Rico and sent thence to Havana, under the protection of these passports, the English sloop of war had no right to detain the vessel, and that neither have we the power to condemn it. I differ from this opinion also. Had the slaves been any length of time in Porto Rico it would have been difficult to pronounce the same judgment; but, in this case, where it is evident that they have been very recently imported, I consider the bringing of them from Africa to Porto Rico, and from Porto Rico to the Havana, as all one and the same transaction, notwithstanding the passports manufactured to put a false character upon their importation. I consider, therefore, that if the bringing them from Africa to Porto Rico was unlawful, the bringing them from Porto Rico to the Havana is unlawful also. I consider, upon the same principle, that though the British officers could have had no authority to seize them while in any Spanish possession, yet, that as soon as they were again on the open sea, they came within the operation of that power given by the Treaties to the cruisers of both nations, to take all vessels engaged in promoting the traffic.

Seeing then, that no such passport has been produced as is required by the Treaty, and that the negroes found on board have been very recently, and therefore illicitly, imported from Africa. Seeing also that the Captain of the "*Vencedora*" is the owner of that vessel, and that he was fully conscious of the illegality of his proceedings, as was manifested by his concealing the slaves, or not acknowledging he had them on board, or showing the passports till the discovery was made by the British officers, I cannot come to any other decision than that the vessel was rightly and lawfully detained; and that it must, therefore, be condemned and the slaves liberated. My opinion also is, with regard to the Treaty of 1835, that the case comes within the 6th Article of the Regulations, rather than the 12th Article of the Treaty; and that the schooner "*Vencedora*" and cargo must therefore be sold for the profit of the two Governments.

(Signed)

J. KENNEDY.

6th November, 1837.

Eighth Enclosure in No. 26.

(Translation.)

Sentence in the Case of the "Vencedora."

In the Always Most Faithful City of Havana, on the 11th day of November, 1837, His Excellency the Conde de Fernandina, Grandee of Spain, &c. &c., and James Kennedy, Esquire, the Spanish and British Judges of the Mixed Court of Justice, established in this City for the prevention of the trade in slaves, together with His Excellency Don Juan Montalvo y O'Farrill, &c. &c., the Spanish Arbitrator of the said Court, who was drawn by lot in conformity with the Treaty, having examined the proceedings consequent upon the detention of the polacra schooner "*Vencedora*," Don Antonio Lloret, Master, by the English brig-of-war "*Ringdove*," Horatio Stopford Nixon, Commander, in latitude 23° 23' N. and longitude 80° 58' W., with a cargo of produce (frutos) and 26 negroes from Porto Rico, and with other effects, which being examined by the Captor he found the Muster-roll, the Passports of the passengers and negroes, as also the Certificate from the Municipal Board of Health at Porto Rico, which is annexed to the proceedings, and taking into consideration all this Evidence, on which the investigation of the Case was submitted to the Mixed Court, according to Art. 4. of Annex. B, and conducted in the order therein expressed; and the said Judges having met to pronounce definitively as to the legality or nullity of the capture, and disagreeing thereon, lots were drawn for a third, which nomination fell upon His Excellency Don Juan Montalvo, to whom the proceedings, together with the opinions of the Judges, which are inserted at pages 78 and 86 were referred, and having carefully considered them, together with the other circumstances referred to, His Excellency stated that he repeated the same determination as His Excellency the Conde de Fernandina, to whose opinion, which is that at page 78, he adheres entirely; and which will be held as the definitive Sentence given in the case of the "*Vencedora*," according to the termination of the 7th Article of the Treaty of the 28th June, 1835, which, being the latest, is that which governs. It must be noted that during this meeting and after determining upon the principal points, a conference was likewise held upon the communication of Commander Nixon, at pages 73 and 75, which was forwarded by Mr. Kennedy, in his official letter at page 70.

Whereupon, after having again considered the antecedents upon which the Sentence was founded, which the said Mr. Kennedy dilated upon verbally, and His Excellency the Conde de Fernandina in a Letter comprised of 6 Articles, and the Judges disagreeing in their opinion, His Excellency the Arbitrator stated that the definitive Sentence being pronounced, there ought to be no alteration made as to its fulfilment and execution, according to the said Article 7, as otherwise delays would be occasioned which by the Treaty are to be avoided by all means, and whatever else is set forth in the said Letter of His Excellency the Conde de Fernandina, which he likewise adopts in this particular case. And by this their Sentence definitively pronounced, thus the Judges and Arbitrator signed and ordered in the presence of the Secretary who certifies, as also that the costs are to be defrayed according as the Treaty directs.

(Signed)

EL CONDE DE FERNANDINA.
J. KENNEDY.
JUAN MONTALVO.

(Signed) LUIS PAYNE, as Interpreter of the Government.
JUAN FRANCISCO CASCALES, Secretary.

Ninth Enclosure in No. 26.

Commander Nixon to Her Majesty's Commissioners.

22nd October, 1837.

(See Enclosure No. 1 in No. 25.)

Tenth Enclosure in No. 26.

*Commander Nixon to Her Majesty's Commissioners.**Her Majesty's Ship "Ringdove," Havana, October 24th, 1837.*

GENTLEMEN,

SINCE my Letter to you of the 22nd instant, I have received further information relative to the "*Vencedora*," which exhibits a new case of barbarity never surpassed in the annals of this atrocious traffic.

In my former Letter I told you of a black woman, speaking English, having been informed by the negroes they were direct (about 2 moons) from Africa, and knowing that the "*Vencedora*" was from Cadiz, I took for granted they had been purchased at Porto Rico and sent on here; but on questioning the negroes since, they all declared most solemnly, men and women, boys and girls, they had never been in another vessel, and swore to it, after the custom of their own country. Never conceiving the utter barbarity of their having been shipped at the Rio Congo, taken round by Cadiz, and concealed below while there and the whole passage, I confess I thought they were in some error, but I have since ascertained they were correct, and that the "*Vencedora*,"

1st. Had 3 iron coppers between Cadiz and Porto Rico, and that they were there sent on shore and the present ones supplied;

2nd. That quantities of Rice and Indian Corn were daily cooked on the passage to Porto Rico;

3rd. That the foremast passengers were prohibited going below until they arrived at Porto Rico, and that when any individual wanted a change of linen, one of the sailors went below to procure it.

4th. That when the "*Vencedora*" arrived at Porto Rico the passengers landed to buy provisions and necessaries, and on returning on board they found negroes on deck, and were told by the people of the vessel that the negroes were brought from on shore for a passage to Havana, that the white passengers remonstrated with the Captain on the impropriety of embarking slaves, to which he replied that they might do as they pleased, but that he should persist in carrying them to Havana.

5th. That between Cadiz and Porto Rico the passengers were daily sensible of disagreeable smells from below, and that on their arrival at Porto Rico a number of earthenware jars (such as might be used for necessary purposes for persons concealed between decks) were sent out of the ship.

From the above circumstances, and the steady unvaried declaration of the negroes, however appalling the fact, I believe the "*Vencedora*" shipped a cargo of slaves at Rio Congo, took them round by Cadiz, thence to Porto Rico, where the others were disposed of; got the illegal passports (as I believe) from the Governor of Porto Rico, for the 26 negroes Mr. Shepherd found concealed below, and which caused me to detain the "*Vencedora*." I have, therefore, to reiterate my request for the production of the log, and the strict examination of the vessel, her cargo, and crew, and the negroes.

I have, &c.

(Signed) H. STOPFORD NIXON.

Eleventh Enclosure in No. 26.

Her Majesty's Commissioners to Commander Nixon.

26th October, 1837.

(See Enclosure, No. 4 in No. 25.)

Twelfth Enclosure in No. 26.

*Mr. Kennedy to Count Fernandina.**Cerro, 25th October, 1837.*

MOST EXCELLENT SIR,

I HAVE the honor to enclose you a Copy of a Letter received this morning from Captain Nixon, of Her Britannic Majesty's sloop "Ringdove," detailing information of such a nature, that I am sure your Excellency will agree with me in the propriety of the Mixed Court of Justice meeting again, for the further consideration of the case of the "*Vencedora*."

Waiting your pleasure on the subject,

I have the honour to be, &c.,

(Signed)

J. KENNEDY.

To His Excellency the Conde de Fernandina,
&c. &c. &c.

Thirteenth Enclosure in No. 26.

(Translation.)

Count Fernandina to Mr. Kennedy.

SIR,

Havana, October 28th, 1837.

ON consideration of the new Communication of Captain Nixon, which you were pleased to transmit to me in your official Note of the 25th instant, I fully agree that the Mixed Court ought to meet again, to determine on what is necessary; and, as in the present case, His Excellency Don Juan

Montalvo is an integral part of the Court, in consequence of the difference of our opinions, we will therefore meet again, as soon as His Excellency, when acquainted with the proceedings, shall give notice that he is ready to confer on the question at issue.

James Kennedy, Esq.
&c. &c. &c.

God preserve you many years,
(Signed) EL CONDE DE FERNANDINA.

Fourteenth Enclosure in No. 26.

Mr. Kennedy to Count Fernandina.

MOST EXCELLENT SIR,

Cerra, 3rd November, 1837.

WITH reference to your Note of the 28th October, on the subject of taking into consideration the further evidence to be had respecting the voyage and equipments of the "*Vencedora*," I beg to acquaint your Excellency that I am now prepared to attend the Court, whenever it may please your Excellency to appoint.

With regard, however, to that part of the Note in which your Excellency seems to express an opinion that Don Juan Montalvo is now an essential Member of the Court, I must beg to express my decided dissent.

His Excellency Don Juan Montalvo was drawn as Arbitrator, upon our disagreeing as to the Sentence to be passed, to arbitrate upon the evidence already received, and that only, and I cannot, upon any consideration, come to the conclusion, that he is empowered to sit in judgment upon any other questions than those on which we disagreed. On the contrary, I consider that if, unfortunately, other subjects of difference should arise, it would be our duty to draw the lots again to decide which of the two Arbitrators should be called upon.

His Excellency the Conde de Fernandina,
&c. &c. &c.

I have, &c.
(Signed) J. KENNEDY.

Fifteenth Enclosure in No. 26.

(Translation.)

Count Fernandina to Mr. Kennedy.

SIR,

Havana, 4th November, 1837.

IN reply to your official Note dated yesterday, which I have just received, I have to inform you that the proceedings relative to the detention of the schooner "*Vencedora*" must, in due course, be referred to the Arbitrator drawn by lot; and that, in my opinion, the nomination of the said gentleman is co-extensive with the totality of the Case. In effect such is the evident spirit of the Regulation for the Mixed Courts inserted in the Treaty, without, either directly or indirectly, indicating therein the necessity of repeating the drawing of lots on each one of the points of doubt that may occur. But, setting aside for the present this difficulty, that which does not admit of a doubt is, that neither you nor I have the power of depriving His Excellency Don Juan Montalvo of the right he has acquired of sitting with us on the Case; and as soon as his Excellency shall have exercised this right, all further discussion will probably be useless. Therefore, whenever his Excellency shall make known that he is ready to confer, I will give you timely notice, in order that we may meet again.

James Kennedy, Esq.
&c. &c. &c.

God preserve you many years,
(Signed) EL CONDE DE FERNANDINA.

Sixteenth Enclosure in No. 26.

Mr. Kennedy to Count Fernandina.

MOST EXCELLENT SIR,

Havana, 11th November, 1837.

THE Judgment of the Mixed Court having now been pronounced on the Case as it was originally presented before us, I have now formally to request your Excellency to appoint immediately another meeting, to consider the additional evidence which has been offered on the part of the Captor, or that your Excellency will be pleased to place the reasons you before gave in refusing it on the file of proceedings.

Should your Excellency persist in this refusal, it will be my duty to call for the decision of the Arbitrator, though I trust your Excellency, on further consideration, will render this unnecessary.

The Mixed Court is a Court without appeal, unfettered by forms, and possessing extraordinary powers for the effectual prosecution of traffickers in slaves, and I feel assured, that the utmost indignation will be excited in both the Courts of Spain and England, if the fullest inquiry be not allowed.

The charge against the "*Vencedora*" is undoubtedly the most deserving of inquiry, as the crime alleged is the most atrocious ever yet brought before the Court, and it is, in my opinion, due to all parties to have the fullest investigation.

His Excellency the Conde de Fernandina,
&c. &c. &c.

I have, &c.
(Signed) J. KENNEDY.

Seventeenth Enclosure in No. 26.

(Translation.)

Count Fernandina to Mr. Kennedy.

SIR,

Havana, 15th November, 1837.

IN the Conference held with his Excellency Don Juan Montalvo on the 11th instant, the only question touching the Mixed Court was definitively resolved, by absolving the schooner "*Vencedora*" in an irrevocable manner; and, moreover, it was declared that there was no ground for any inno-

vation, in consequence of the last communication of the Commander of the "Ringdove," which was taken into consideration. It is thus stated in the proceedings, as you may remember, and can see by application to the Secretary's Office; so that all you express in your official Letter of the 11th instant is already done. According to the 4th Article of the Regulations annexed to the Treaty, the Resolution adopted, with the assistance of the Arbitrator, is final; and would fail to be without appeal, if, by any circumstance, it could remain without effect; more particularly after its publication and communication to his Excellency the Captain-General, for the purpose of liberating the individuals who were in custody. I believe, therefore, that if you insist in your opinion, contrary to that of the Arbitrator and my own, it cannot influence the proceedings, and that the Court has no other powers than to carry into effect what is determined on. Our authority is not, in my opinion, to persecute, but to judge; it has a limit, which is not a form, in the act of having sentenced without appeal, and we cannot open anew a question already decided; which I state to you in reply to your said official letter.

James Kennedy, Esq.
&c. &c. &c.

God preserve you many years,
(Signed) EL CONDE DE FERNANDINA.

Eighteenth Enclosure in No. 26.

(Translation.)

Count Fernandina to Mr. Kennedy.

SIR,

Havana, 11th November, 1837.

IN the 9th paragraph of your opinion of the 6th instant, relative to the detention of the schooner "Vencedora," I observe that you refute, as an opinion of mine, the doctrine that Her Britannic Majesty's cruiser lacked the power to detain the vessel conveying slaves, even though they were introduced into Porto Rico illicitly and recently, supposing this to be the case in the present instance. I do not recollect having sustained this doctrine either by word or writing. Perhaps some want of explanation on my part has led you into this mistake; and although it is not essential in the present affair, I consider it my duty to make it known to you for your information, and in order that at no time my opinion may appear to be anticipated, whatever it may be, upon a case which I believe is not before us.

For the present question it sufficed for me to consider, that the Treaty of 1817 is not directed to be observed by the Mixed Courts in that of 1835, and that the 26 slaves came included in the Roll from Porto Rico, since in effect it is therein stated, that at that place 4 of the 29 passengers from Cadiz were landed, and 50 more embarked, not 49, so that the entire number of passengers was always 75.

God preserve you many years,

(Signed)

EL CONDE DE FERNANDINA.

To James Kennedy, Esq.
&c. &c. &c.

Nineteenth Enclosure in No. 26.

Mr. Kennedy to Count Fernandina.

MOST EXCELLENT SIR,

Havana, 17th November, 1837.

AFTER the refusal by the majority of the Court to allow an investigation of the additional evidence and further charge, offered by the commander of Her Britannic Majesty's sloop "Ringdove," against the schooner "Vencedora," I should not have written again on the subject, but for the Declaration in your Letter of the 11th instant, that I had mistaken your Excellency on a part of the case which in my opinion was the principal, if not the only question, before us. On this question, therefore, as it appears to me highly important that no mistake should exist, I think it due to your Excellency, and also more especially to myself, to state the grounds upon which I so represented your opinion.

I certainly understood your Excellency, not only at the first conference, when together alone, but also afterwards at the second conference, to repeat the opinion, which I understood was assented to by His Excellency Don Juan Montalvo, that the case of negroes recently brought from Africa into Porto Rico, and sent thence to the Havana, under the protection of a Passport, was not provided against by the Treaty, and that an additional Clause, therefore, must be added hereafter, if it should be required to take them out of the protection of such Passport, so as to empower the Cruizers to detain them.

In this understanding of your opinion I was confirmed by your Excellency's Letter of the 24th October, in these words: "Si los esclavos estaban ó no desnudos, y sabian ó no el idioma Castellano, son tambien circunstancias que nada prueven." And again, in your Excellency's judgment, dated 25th October, but which I did not see till the 9th November, "Considerando por ultimo, que los vestidos de que usasen los esclavos durante la navegacion, y su mayor ó menor instruccion en el idioma Castellano, son circunstancias no previstas en el Tratado pa inducir justa sospecha, y no pueden p^r consiguiente fundar un cargo contra la embarcacion detendida." These words your Excellency repeated at both these conferences, and I then stated, that I considered these circumstances as proving everything against the detained vessel, and that it was unnecessary to have them inserted in the Treaty for our guidance. I stated that I considered the question of the defective Passport as of minor consequence, inasmuch as that defect might have existed, without any intention on the part of the Spanish captain to commit a fraud upon the two Governments, but that the state in which the slaves were found, and their ignorance of the Spanish language, or even of their pretended names, satisfactorily proved they had been recently, and therefore illicitly, brought from Africa, and so placed it within the power of the Cruizers to detain the vessel conveying them.

As your Excellency now admits that slaves brought thus recently, and therefore illicitly, from Africa, may be detained by the Cruizers, I confess I cannot understand how this acknowledgment can be reconciled with the judgment of the majority of the Court. Here are slaves, beyond all doubt recently brought from Africa,—here is a palpable fraud attempted to be practised upon the Spanish

Government by colourable Passports; your Excellency admits they may justly in such case be detained by the Cruizers, and yet the vessel so bringing them is freely discharged by the decision of the Court!

So much upon the first aspect of the case, sufficiently deserving of punishment in itself, but presenting no feature of peculiar iniquity. The second charge, however, is quite of another and almost incredible character for atrocity, namely, that of having actually come from the coast of Africa with the slaves on board, by way of Cadiz, and having them confined most miserably from the view of the passengers taken on board at Cadiz, under circumstances most appalling, considering at what sacrifice it must have been of human suffering and human life!

Your Excellency says it is our duty not to persecute but to judge. I trust it is as far from my inclination to persecute, as I am sure it is from your Excellency's to screen any one engaged in this traffic; but my ideas of duty are, that we should investigate every case to the utmost, where there is any reasonable suspicion of the parties being illicitly engaged in it.

In this case I cannot doubt it will be unhesitatingly believed that the new charge against the "*Vencedora*" was well founded, and the parties therefore justly deserved the severest punishment. If the charge is not just, they are unfortunate in not being allowed to clear up the imputation against them, which I must again repeat I consider as the gravest ever offered to the attention of the Court, and therefore deserving of its most serious consideration.

There is one other part of your Excellency's letter requiring remark, wherein your Excellency denies the validity of the first Treaty, by reason of its being superseded by the second. This opinion, now advanced for the first time, is so contrary to that held by the Government of Her Britannic Majesty, that I would suggest to your Excellency the advisability of applying for instructions from the Government at Madrid respecting it. Every reasonable consideration, on the contrary, that can be given to the subject, appears to us to shew that the first Treaty is in as full force as the second, except where expressly altered, and that the second was only intended to strengthen the first. As other questions of the same nature may hereafter arise in dispute, I should have felt it my duty decidedly to assert the continuance in full power and efficacy of the Treaty of 1817, except where it is inconsistent with the Provisions of the Treaty of 1835, though desirous of avoiding every subject of debate.

I have, &c.

To His Excellency the Conde de Fernandina,
&c. &c. &c.

(Signed) J. KENNEDY.

Twentieth Enclosure in No. 26.

(Translation.)

Opinion of the Conde de Fernandina respecting Commander Nixon's Communication of the 24th October, 1837.

Havana, 11th November, 1837.

THE last Communication made by the Commander of the English Cruizer, can in no wise alter the resolution which ought to be pronounced.

1st.—Because the evidence of the slaves is not admissible against their owners, much less in their own cause, they being perhaps already advised that they would recover their freedom by declaring in a determined manner.

2ndly.—Because the proceedings were concluded and about to be resolved upon, both judges having pronounced their sentence, although disagreeing on the terms; and all the laws prohibit that, in such a state of things, proofs and justifications be entered on anew.

3rdly.—Because, according to the Treaty, the Courts ought to judge upon the examination of the Papers of the Vessel and of its principal Officers, leaving to their discretion to examine also or not the Officers of the capturing vessel, if they should consider it necessary (Art. 4 of the Regulations.)

4thly.—Because the facts referred to in the said communication are too slightly probable to admit, on such doubt, of the positive and considerable damage, which would result from the delay of a lengthened proceeding.

5thly.—Because these facts, even though they should acquire a degree of probability, could never influence the essential question of the "*Vencedora*" having been legally or illegally detained.

6thly.—And finally, because on good principles, as soon as a judge pronounces his sentence, he is deprived of the power of innovating in the case; and according to the before mentioned Regulation there is no arbitration for anything else than conferring with the third, and ratifying or altering the first, resolution.

(Signed)

EL CONDE DE FERNANDINA.

Twenty-first Enclosure in No. 26.

(Copy.)

Protest of Her Britannic Majesty's Judge, on the Refusal by the Majority of the Court to entertain the further Charges offered by Captain Nixon against the "Vencedora;" and Reasons for dissenting from the Judgment of his Excellency the Conde de Fernandina.

1st.—BECAUSE that, supposing the accusation to be well founded of the negroes having been brought directly from Africa, they cannot have owners against whom to give evidence, and the evidence of slaves is certainly admissible, according to precedent, though, as in their own behalf, to be taken with due caution; but, on this principle, the evidence of the Officers of detained vessels must also be taken with due caution, as given on their own behalf, under the strongest bias, the fear of punishment. With regard to the suggestion of the negroes being advised what evidence to give, it is not, in my opinion, for the Court to anticipate such a culpable possibility.

2ndly.—The proceedings were concluded upon a charge totally and essentially different from the second. The first amounted only to fraud, in assisting those engaged in the illicit traffic, by bringing furtively from Porto Rico to the Havana negroes recently brought to the former Port from Africa. The present accusation is for an offence more heinous, that of having actually brought the negroes from the Coast of Africa by way of Cadiz, and having had them confined below deck from the view of the passen-

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gers taken on board at Cadiz, so as to occasion necessarily much human suffering and even great mortality.

3. The treaty states imperatively that the Court shall examine the Papers and crew of the detained vessel, but it also leaves it to the discretion of the Court to take what other evidence they think proper; and I consider it our duty to take all we can procure, and judge afterwards of the weight to be attached to all or any part of it.

4. No reasonable objection, in my opinion, can be made on the ground of delay, as the utmost could only be of 2 or 3 days.

5. The corresponding Article of the opinion of his Excellency the Conde de Fernandina, consists of a dictum which I cannot understand, except upon the doctrine that the Passports obtained at Porto Rico protected the vessel from detention under any circumstances; or surely if it was shown that the vessel had actually brought those negroes from Africa, that circumstance could not have failed to influence the question whether the "*Vencedora*" had been legally or illegally detained.

6. The last objection has already been met by the answer to the 2nd Article, in addition to which it should be observed, that the Mixed Court is not bound by any forms or particular directions, while their proceedings are ordered to be taken as summarily as possible, evidently that offenders may not escape from an over great regard to technicalities. The very circumstance, too, of the judgment being without appeal, must shew that the more careful consideration and strict investigation ought to be given to every case.

On these grounds I feel it my duty to protest against this denial of a just demand for a further investigation of the case of the "*Vencedora*," and require this Protest accordingly to be entered upon the proceedings.

(Signed) J. KENNEDY.

Havana, 18th November, 1837.

No. 27.

Her Majesty's Commissioners to Viscount Palmerston.—(Rec. 1st Jan., 1838.)

MY LORD,

Havana, 27th November, 1837.

WITH reference to the last Despatch of Her Majesty's Commissioners of the 31st July, respecting the case of the "*Matilde*," we have the honour to inform your Lordship, that we have as yet received no further communication from his Excellency the Captain General.

Should no satisfactory reason for the delay come soon to our knowledge, we shall feel it our duty to write again to His Excellency, to remind him of the subject.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 28.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 5th January, 1838.

I HAVE received your Despatches to that of the 27th of November last, inclusive.

With reference to your Despatch of the 10th October, containing your Correspondence with Lieut. Jenkin, commanding the "*Romney*" hulk, relative to a Negro who had secreted himself on board that vessel, and whom Lieut. Jenkin had given up to the local Authorities, I have to acquaint you, that the course pursued by Lieut. Jenkin in this case appears to me to have been right and proper.

I have, &c.

(Signed)

PALMERSTON.

Her Majesty's Commissioners,

&c.

&c.

&c.

No. 29.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 8th January, 1838.

WITH reference to your Despatch of the 23rd September, 1837, respecting the refusal of the Captain-General of Cuba to allow the Black Marines, on duty on board of Her Majesty's hulk "*Romney*," to go on shore at the Havana, I herewith transmit, for your information, Copies of my Correspondence with Her Majesty's Minister at Madrid upon this subject; by which you will learn, that the

Spanish Minister has promised to give such Instructions to the Captain-General, as may be calculated to lead to an arrangement of these differences, in such a manner as may be compatible with the tranquillity of the Island of Cuba.

I have, &c.

(Signed) PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosures in No. 29.

Viscount Palmerston to Sir G. Villiers.
November 14, 1837.

Sir G. Villiers to Viscount Palmerston.
December 10, 1837.

(See Class B. of First Series, Nos. 29 and 33, pp. 24 and 27.)

No. 30.

Her Majesty's Commissioners to Viscount Palmerston.—(Rec. Jan. 31, 1838.)

MY LORD,

Havana, 30th November, 1837.

THE following is a list of the vessels that have cleared out from this Port, for the coast of Africa, during the last month.

2nd November,—	Portuguese schooner,	"Ligera."	—For the Isla de Principe.
7th	"	Swedish brig	"Victorina" Cape de Verd,
18th	"	Portuguese brig	"Vigilante" " Loando.
25th	"	American schooner	"Cleopatra" " Cape de Verd.
	"	Portuguese schooner	"Sin Igual" " Cape de Verd.
30th	"	Portuguese brig	"Triunfo de Loando" San Tomé.

Of these the "*Cleopatra*" and the "*Sin Igual*" are entered in the names of the great Slave Dealers, P. Martinez and Co.

During the month, the following vessels have arrived from the Coast of Africa.

November	"	Portuguese schooner,	"Manuelita."
"	"	"	"Dos Hermanos."
"	16th	"	"Olimpa," Silva, Master.
"	25th	"	Name unknown.
"	28th	"	"Veloz," Lima, Master.
"	30th	"	"Maria Teresa," Malo, Master.

Your Lordship will perceive, that all these vessels sail now under the Portuguese Flag; though there is no doubt that most, if not all, are manned and owned by Spaniards.

In addition to these, it may be right to add, that Lieut. Jauncey, now here in charge of the Spanish schooner "*Matilde*," has brought information of the "*Arrogante*," a vessel manned entirely by Spaniards, but under the Portuguese Flag, having been captured, with 409 negroes on board, off Cape Antonio, by Her Majesty's sloop "*Snake*;" and it is further reported here, that the "*Urraca*," also under Portuguese Colours, has been taken by her Majesty's sloop "*Ringdove*," with 518 negroes on board, and sent on to Sierra Leone.

We have, &c.

(Signed) J. KENNEDY.

EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 31.

Her Majesty's Commissioners to Viscount Palmerston.—(Rec. January 31, 1838.)

MY LORD,

Havana, 20th December, 1837.

WE have the honour to enclose a copy of a letter, addressed to the Mixed Court of Justice by the Captain and Master of the schooner "*Vencedora*," liberated by its Decree, as reported to your Lordship in our Despatch of the 22nd ultimo, claiming compensation for the detention of that vessel, and also for a number of articles, provisions, charts, wearing apparel, and part of the cargo, which he alleges

were taken away while it was under the charge of the officers of Her Majesty's sloop "Ringdove." Of these articles a barrel of wine, and another of spirits, were taken away intentionally, by Captain Nixon, for safe custody, but on their being sent back to the "*Vencedora*," after sentence of acquittal was passed, the Master refused to receive them, as will further appear by the Enclosure No. 2.

The Court met on the 12th instant, to consider of the demands, when Her Majesty's Judge being of opinion, that they had no power to adjudicate beyond the Treaty, suggested, that a Commission should be issued, directing Don Francisco Cascales, the Secretary of the Court, and Mr. R. B. Jackson, the Secretary to the Commissioners, to inquire and report what loss had been incurred by the detention, as provided for by the Treaty, and further what loss had in any probability been suffered, as alleged, in the articles deficient upon the vessel being given up. His Excellency the Conde de Fernandina agreeing to this suggestion, a Commission was issued, and the Inquiry will be proceeded with immediately.

With reference to this Inquiry, the purpose of this Despatch is to request your Lordship's Instructions, as to the manner in which the payment is to be made for the detention, and whether we may include such compensation as may appear reasonable for the alleged deficiencies.

That some portion of the provisions were used we have no reason to doubt; and that some other articles might have been taken away is not improbable, considering there were 49 Spanish Passengers left on board, after the Master and Crew were given into the custody of the local Authorities; but there is still less doubt that there is considerable exaggeration in the demands, which it will be our duty to reduce to what is apparently consistent with justice. The difficulty is further increased by the absence of the officers of the "Ringdove," and the demands not having been made to us until after their departure.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No 31.

The Master of the "Vencedora" to the Mixed Court.

(Translation.)

Havana, 7th December, 1837.

DON ANTONIO LLORET DE JAYME, Captain and Master of the polacca "*Vencedora*," which, coming from Cadiz and Porto Rico, was seized by Her Majesty's brig "Ringdove," respectfully states to your Excellency and your Honour, that the capture of the vessel being declared bad, and its delivery, under the formalities required in such cases, being directed, it has been carried into effect in the terms shewn by the inventory herewith enclosed. The results have proved, as might be expected from the conduct observed by the captor, against the Laws and Treaties relative to the matter, a conduct highly reprehensible on the principles of all justice, and as regardless of the sacred rights of property and national decorum as offensive to the English Flag itself.

This Flag, hoisted on board the "*Vencedora*" from the moment of her irregular detention, was certainly a token of scandalous pillage, which, consummated without awaiting the result of the proceedings on the capture, was an unpardonable aggression against the faith of the Treaties, and an ostensible insult to the honour of both Flags.

By the annexed note of the inventory of delivery, enormous deficiencies are accredited, which, together with the other expenses and damages incurred, as are shown by the 11 Documents also annexed, must be fully indemnified under the guarantee of the established protests, the effects found to be wanting being previously valued by skilful persons, to be named by the Commander of the capturing brig and the writer, in order to avoid all suspicion of fraud or excess in the reclamation.

This reclamation is based upon the contents of the note of delivery which the English Officer who was on board offered to confront, and who commissioned a person of his confidence to be present during the discharging of the vessel, which person, however, did not appear at the given time, as the public Interpreter of the Government and Captaincy-General, who was summoned to attend, can declare.

Such like informality, coupled with the last Paper herewith sent, and by which it was pretended to make delivery, under a receipt of a portion (porcion) of aguardiente and wine, imposes upon the writer the indispensable necessity of seeking the protecting authority of your Excellency and your Honour, in order that on an investigation of the serious deficiencies, their immediate restitution and indemnification may be provided for, on the judgment of skilful appraisers, with whatever other demonstrations the Tribunal may be pleased to direct; and in order that, while serving as an example of correction for the future, the Treaties be inviolably fulfilled, individual property be respected, the national decorum be preserved unsullied, as well as the outraged honour of the respected Flag of England.

The assertion that the Prize-master did not exact, as he should have done, the contents of the delivery, is surely sufficient to convince of the irregularity with which he proceeded, and the imperative necessity of obliging him to perform his duty. He put on board a person in his confidence, to be present during the discharging, which he also daily attended in person; consequently he witnessed the

deficiencies whilst unloading, as well as the broken locks of the boxes belonging to the Officers and crew: notwithstanding he was informed by the Interpreter that he ought to appoint a person in his confidence to make the inventory; that in fact such person was appointed; that he himself took account of the proceedings, and offered finally to agree with the writer as to closing it in due form. Far from doing so, he absented himself from the vessel, and it became impossible to terminate the business with the solemnity required by the judgment of this Tribunal. The writer, therefore, full of confidence and respect for your accredited rectitude, prays that your Excellency and your Honour, having before you the annexed documents, and taking the report of the Government Interpreter, will be pleased to direct the valuation and liquidation of the deficiencies and damages by skillful appraisers to be named by the writer and the Tribunal, in the event of the Prize-master not doing so; as also that the amount be immediately paid in this place, as the vessel cannot continue her voyage for want of these funds, so urgent and of the utmost necessity for her refitting.

Demanding justice, the writer subscribes himself to be,

(Signed)

ANTONIO LLORET DE JAYME.

To the Judges of the Mixed Court of Justice.

Second Enclosure in No. 31.

Commander Nixon to Her Majesty's Commissioners.

GENTLEMEN,

Ringdove, November 24th, 1837.

After my Note to you of yesterday, relative to some wine and spirits removed from the "*Vencedora*" on board here for safety, having learned where she was, I sent the casks to her. Her Master not being then on board, the person in charge declined receiving them. I sent them a second time, when Don Antonio Lloret was there, who also declined receiving them. I shall, therefore, send them on board the "*Romney*," in charge of Lieutenant Jenkin, to await your instructions relative to them as I go to sea, if wind permits, in the morning.

I am, &c.

To Her Majesty's Commissioners, Havana.

(Signed)

H. S. NIXON.

No. 32.

Her Majesty's Commissioners to Viscount Palmerston.—(Rec. Jan. 31st, 1838.)

MY LORD,

Havana, 20th December, 1837.

WITH reference to the numerous allegations constantly made here, as well as at Sierra Leone, of deficiencies in the equipments of slave vessels taken by our cruisers, we think it our duty to state to your Lordship, that we have heard with considerable astonishment of a right claimed by the Navy, under the Articles of War, Section VIII., to take from prizes whatever may be found in them relating to navigation, and which happen to be required in the capturing vessel, including charts, chronometers, and sextants.

As this practice may lead to considerable abuse, and is certainly open to much misrepresentation, we think it right to submit to your Lordship, whether the subject should not be taken into further consideration at the Admiralty, and other instructions be issued to the cruisers, as regarding vessels detained for being engaged in the Slave Trade.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 33.

Her Majesty's Commissioners to Viscount Palmerston.—(Rec. Jan. 31st, 1838.)

MY LORD,

Havana, 21st December, 1837.

WE have the honour to enclose copies of the further Correspondence which has taken place between the Mixed Court of Justice and the Spanish Authorities, on the subject of the schooner "*Matilde*," as with reference to the Despatches from the Commissioners of the 31st of July and the 27th of November.

Your Lordship will perceive from the enclosure No. 4, that the General of Marine still persists in an endeavour to evade the real point at issue, by insisting upon a question of form as to the mode of being addressed by the Mixed Court, though, as the dispute has been submitted to the Government at Madrid, it may, perhaps, be most advisable now so to leave it, especially that the same vessel has

since been captured and condemned, as will appear by our other Despatch of this date.

This circumstance, also, will give the fullest answer to the allegations contained in the statements of the Marine Department at Santiago de Cuba, and afford the most conclusive evidence of the little reliance to be placed on the good faith of some of the inferior Authorities in this country.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 33.

(Translation.)

The Mixed Court to the Captain-General.

MOST EXCELLENT SIR,

Havana, 4th August, 1837.

By your Excellency's Official Letter of the 22nd of last month, we are informed that the Commandant-General of this Station has determined to instruct the Commandant of Cuba to cause the schooner "*Matilde*," with her crew and a suitable escort, to be sent to this Port, and placed at the disposal of this Mixed Court of Justice; wherefore we are persuaded that it will be effected as soon as possible. But to prevent future delay, we beg leave to recommend to your Excellency's notice the 4th Article of Annex B., in order that the capturing Commander may be advised to appear and make declaration as to the special circumstances of the case, and with reference also to the 3rd Article of Annex A. We ought here to conclude our reply to the aforesaid Official Letter of your Excellency; but seeing that the Commandant-General of this Station insists that this Mixed Court has passed over in silence its reply to the proceedings adopted by the Commandant of Cuba, which your Excellency was pleased to forward to us in an official Letter dated the 17th June, and also the complaint which he makes, that we refused to take his communications into consideration by pretending to disown his authority, we are enabled to recal your Excellency's attention to the Letter which, under date of the 19th of the same month, we forwarded in reply thereto, wherein these indications are replied to by pointing out the preceding cases, in which it appears that the Commandants-General up to the present time have expressed no doubt, complaint, or reclamation at our having applied to your Excellency to cause the condemned vessels to be appraised by the principal Masters of the Royal Arsenal; that is to say, that this Mixed Tribunal has never in the slightest degree pretended to disown the rank or authority of his Lordship, (su Sria) and still less to offend him, but has only strictly adhered to the rule observed since its establishment; which is to correspond directly with your Excellency as the chief authority of this Island, as we stated in our before-mentioned Letter of the 19th June.

God preserve, &c.

(Signed)

EL CONDE DE FERNANDINA,
E. W. H. SCHENLEY.

To His Excellency

The President-Governor and Captain-General.

Second Enclosure in No. 33.

(Translation.)

The Captain-General to the Mixed Court.

MOST EXCELLENT SIR,

Havana, 9th September, 1837.

UNDER date of the 29th August last, the Commandant-General of Marine writes me as follows:—

"Most Excellent Sir,—As soon as received your Excellency's official Letter of the 23rd instant, in which you are pleased to insert one from the Mixed Court of Justice, referring to particulars relative to former correspondence on the subject of the detention of the schooner "*Matilde*" by the pilot-boat "*Teresita*," of the Cuba Station, I referred it to the Auditor of War of the Marine of this Station. Two days after I received another, from the Commandant of Marine of the Province of Cuba, upon the same subject. This I likewise referred to the Assessor for his advice, which he has given in the following terms:—'Senor Commandant-General,—With a difference of two days between each, I have received for my opinion the official Letter of His Excellency the President, Governor, and Captain-General, of the 23rd instant, transcribing one from the Mixed Court of the 4th, and the previously dated Letter from the Commandant of Marine of the Province of Cuba, inserting the opinion of the Assessor of that district, consequent upon your commands to remit immediately to this Port the schooner "*Matilde*.' If the official Letter of the Mixed Court contained no other indication than what relates to the conduct of the said vessel, I would limit myself to advising you, in reply, to remit a Copy of the above-mentioned Opinion of the Assessor of Cuba; but as that Tribunal, in order to arrive at the definitive resolution it adopted, of not corresponding with you, nor taking into due consideration your communications, refers to precedents which it is proper to explain as a precaution for future occurrences, I consider it very opportune to make a brief observation thereupon. The Mixed Court refers to its custom of corresponding exclusively with His Excellency the Governor and Captain-General, even for the citation of the principal Masters of the Royal Arsenal, whenever it has been necessary to fix the value of the captured vessels. This solitary case only proves that the Commandants-General, in a matter of such trifling import, choose to sacrifice a small portion of their privileges to the desire of not putting any obstacle whatever in the way of the performance of the duties of the Mixed Court; but this cannot in any way serve as a rule in the case now before us (as different in its nature as its circumstances), for not having entered upon the discussion you proposed with such frankness and good faith, and which might have prevented the disagreeable necessity of

calling the attention of the Supreme Government to this affair. Because the Commandants-General, for the reasons expressed, have chosen to tolerate the citation of the principal Masters without the Mixed Court applying to their authority, as it should have done, it cannot be inferred that they renounce the right; or, more correctly speaking, that they should forget the very sacred duty, of supporting their jurisdiction in other grave and delicate particulars, wherein the national commerce or the respectability of our forces are interested; and, consequently, the argument deduced from that circumstance, in order to make good the resolution adopted on the point before us, and which has called forth your just complaint, does not appear very opportune. With this explanation, if it meet your approbation, I am of opinion the before-mentioned official Letter of the 23rd instant should be replied to, inserting also the report of the Commandant of the Province of Cuba, for the information of the Mixed Court; which will be pleased to state if it still considers the presence of the Officer commanding the pilot-boat 'Teresita' absolutely necessary here, as the calling him off from his duties must prove prejudicial to the service; and, finally, that an account be rendered to Her Majesty of these late proceedings, serving, &c.—Havana, 29th August, 1837.—(Signed) Anastasio Carrillo.' And having conformed to this advice, by decree of this day's date, I beg to transcribe it to your Excellency, together with a Copy of the Report of the Commandant of Marine, *ad interim*, of the Province of Cuba, for the proper ends."

All which I transcribe to your Excellency and the other Gentlemen of the Mixed Court, enclosing also the before-mentioned Copy for the proper purposes.

God preserve you many years.

(Signed)

MIGUEL TACON.

To His Excellency the Conde de Fernandina, and
the other Members of the Mixed Court of Justice at Havana.

Sub-Enclosure in No. 33.

Report of the Commandant of Marine of St. Iago de Cuba.

Marine Department of Santiago de Cuba.

FOR the exact and due fulfilment of the directions, conveyed to me by your superior official letter of the 15th July last, that I should immediately cause the schooner "*Matilde*," with her crew and a suitable escort, to be remitted to that Port (the Havana), and at the disposal of the Mixed Court, I referred it to the 2nd Assessor of this Jurisdiction, who has in consequence addressed the following:—

"*Señor Commandant of Marine*,—By the official letter of the Commandant-General of the Station, dated the 15th ultimo, containing the opinion which, under the same date, the Auditor of War gives him, I perceive that the detention of the schooner '*Matilde*,' by Her Majesty's pilot-boat '*Teresita*,' has given rise to objections on the part of the Mixed Court, established in the Havana to adjudicate the Cases of capture of vessels employed in the prohibited traffic in Bozal negroes. Without doubt, this will have arisen from the occurrence which took place in the Port of Guantanamo with Her Britannic Majesty's ship '*Vestal*,' which, traducing the '*Matilde*' as one of those vessels, attempted her capture, until the moment she was persuaded that a Spanish vessel of war had already taken charge, and having her under her battery had placed a crew on board, and was sending her to this Port. The Superior authority consequently directs, that you caused the before-mentioned schooner "*Matilde*," with her crew and a suitable escort, to be immediately sent to the Havana, and placed at the disposal of the Mixed Court. The impossibility of complying with this order, in consequence of the '*Matilde*' having pursued her voyage as soon as she had repaired the damage sustained on the first sailing, makes the explanation of the affair more necessary, as I believe the conduct pursued in these proceedings to have been very simple and prudential. It is one of the principal duties, or the first obligation, of the vessels of war on this station, to watch with the utmost vigilance all the Ports upon these coasts, particularly those to the eastward, as far as the Punto de Mayai, in order to prevent by all means, and to cut off at once, the scandalous smuggling which for a length of time was carried on in those parts, and was facilitated by the depopulation and other notorious circumstances. Whilst sailing in this direction, the pilot-boat '*Teresita*' discovered in Guantanamo a schooner, which, legally despatched in Cuba for another destination 4 days before, could not nor ought not to be anchored, without authority, in a port in the Island itself, unless in consequence of a powerful motive to prevent him from continuing his voyage, or with a view of receiving contraband goods, which sole reason could induce concealment or deviation from her route. No more powerful argument was requisite to excite the zeal of the Commander of the '*Teresita*' in the exact fulfilment of his duties, and of the particular instructions communicated to him. Nor could he on any account overlook the examination of the '*Matilde*,' or the sending her to this Port, to which any one would be urged by the mysterious appearance of this vessel, at so short a distance from the place from whence she was despatched 4 days before. She was thus engaged when the English corvette aimed at the same object, though from a different cause—namely, the supposing her to be a slave-vessel; and setting aside the question of her being subject to her examination whilst anchored in a Spanish port, it is indubitable that the Commander of the '*Teresita*' perceived in this occurrence a new reason for sending the schooner to Cuba, purely to satisfy the Commander of the '*Vestal*,' with the design of justifying his conduct, and in order that the same Authorities who despatched her should take cognizance of the cause of her delay, or of her diverging from the course for which the Royal Patent despatched her. The examinations and other proceedings adopted in this Comandancia prove the dangerous state the '*Matilde*' was then in for continuing a long voyage, and the consequent necessity of repairing it on entering the Port of Guantanamo, as she would have done in any other, or had she returned here in distress, whichever was the nearest place to where she sustained the damage. All these circumstances transpiring, her ill condition being proved, the legality of her proceedings recognised, and there appearing no reasonable ground for suspecting that she made an improper use of the Patent, it does not appear conformable to the principles of justice and equity to order the detention of the schooner in port, until such time as the results of this species of contention (competencia) be sent down, to which this Comandancia never supposed an affair so simple and so easy to resolve on investigation could be brought. The detention of the '*Matilde*' would have been, in such

case, equivalent to the total loss of capital employed on the expedition, and even of the vessel herself, thus incurring incalculable losses to the Owner, and others interested in the branches of commerce for which the vessel was destined. And under such circumstances, to what immense responsibility would not this Tribunal be subject, if, in consideration of the opportune protests and reclamations of the Commercial House and the Owner of the vessel, the Superior Government disapproved of a detention, the more unjust in proportion to the clear, certain, and positive reasons that existed for the '*Matilde*' repairing her damages in Guantanamo, or any other port? And would not these damages and losses be reasonably claimed, in case of the interminate detention of a vessel legally despatched, only 4 days before, by the competent Authorities, with a Royal Sailing Passport? If the damage was competently certified, the bad condition of the '*Matilde*' notorious here, and this Comandancia convinced of the legality of the motives which occasioned her to go into Guantanamo, what plausible reason could possibly have justified this unaccountable and prejudicial detention, unless it resulted, as it did not, from proof of an improper use of the *Patente*? These, and many other just considerations, occasioned the vessel to be despatched on her voyage, which could scarcely be said to have begun, considering the short distance at which she received the injury which rendered her hull unserviceable—and these, and still further considerations, which can be adduced by the superior information, of the Commander-in-Chief of the Station, render it impossible to comply with his superior determination, inserted in the above-mentioned official letter of the 15th July, since the schooner '*Matilde*' having pursued her course for the reasons explained, it is impossible to send her to the Havana as directed. I am therefore of opinion, that you reply to the aforesaid official letter of the said Commander-in-Chief of the Naval Forces, by transmitting for his information the reasons upon which this Comandancia based its proceedings, taking for the purpose any part of this opinion you may deem expedient, or adding thereto whatever other reflection you may consider to bear upon the subject.

(Signed)

"LEONARDO BRAVO.

"Santiago de Cuba 5th August, 1837."

Cuba, 9th August, 1837.

I agree with the above, and direct an official letter to be written to the Commander-in-Chief of the Station, including the whole of the preceding opinion.

(Signed)

RIOS.

By order of the Commandant,

(Signed)

JOSE VALDES.

I transcribe the above to you for the purposes indicated.—God preserve you many years.

(Signed)

MANUEL DE LOS RIOS.

Santiago de Cuba, 10th August, 1837.

To the Commander-in-Chief of the Naval Forces
of the Havana Station.

(A true Copy.)

(Signed)

FRANCISCO DE IRIGOYEN.

(A true Copy.)

(Signed)

ANTONIO M. DE LA TORRE Y CARDENAS.

Third Enclosure in No. 33.

(Translation.)

The Mixed Court to the Captain-General.

Havana, 25th September, 1837.

MOST EXCELLENT SIR,

WE have received your Excellency's official Letter of the 9th instant, in which you are pleased to enclose one from the Commander-in-Chief of the Naval Forces of this station, and the opinion of his legal adviser, dated the 29th August last, and also a Copy of the official Letter of the Commandant of Marine at Cuba, with the advice of his second assessor; and having duly considered the whole, we beg most particularly to refer to the official Letter we addressed to your Excellency on the 19th June last, in which we replied to the Report made by the said *Comandancia de Matriculas*, from which the advice of the second assessor and the official Letter enclosing it do not essentially differ, any more than the observation of the said legal adviser. This Mixed Court considered, that by quoting in its aforesaid official Letter of the 19th June the case of the "*Maria de la Gloria*", which occurred with the said Department of the Commander-in-Chief, the doubts had been cleared up, which had arisen respecting the order to be observed and followed by this Mixed Court in its reclamations, but it is convinced of the contrary; and desiring now to close this discussion, as regards what may be said not to be the principal object, and which indeed carries us away from the essential consideration of the case, we have agreed to forward to your Excellency a certified copy of the official Letter of his Excellency your predecessor, Don Francisco Dionisio Vives, of the 30th June, 1824, together with the opinions and decree of conformity consequent thereon, in order that the Commander-in-Chief of the Naval Forces of the Station may be convinced, that this Mixed Court has not held direct communication with his Lordship (su Sria), not because it does not appreciate and distinguish the considerations due to his rank, but because the said tribunal not being one of those belonging to the country, it is obliged to correspond with the highest authority, which is that of your Excellency, who represents under such character her Catholic Majesty, with whom it is our duty to correspond, in order that you may cause the Treaty with Her Britannic Majesty to be fulfilled as regards Her Catholic Majesty's subjects, as an affair purely of state and high policy which does not fall under the laws framed for the other tribunals of the nation. From this emanates the constant practice observed by us of corresponding directly with the Government in all matters, and not from condescendencies, as the Auditor of Marine supposes. In this state of things, we have no other course left us than to refer to our former correspondence, not only in order that the schooner "*Matilde*" be sent to this port to be adjudicated, but also that the capturing Commander may appear to give in his declaration in proper form; and trusting that your Excellency will be pleased to adopt such measures as we expect from your zeal for the service of Her Catholic Majesty, in order that this may be duly and punctually carried into effect, as no infraction whatever ought to serve as sufficient excuse, when it appears by the documents which we have forwarded to your Excellency, that the said capturing Commander manifested, that he had detained the "*Matilde*" under the Treaty for the abolition of the Slave Trade, which must be carried

into effect, notwithstanding the damages announced.

God preserve your Excellency many years.

(Signed)

EL CONDE DE FERNANDINA.
E. W. H. SCHENLEY.

To His Excellency Don Miguel Tacon,
President, Governor, and Captain-General.

Sub-Enclosure in No. 33.

(Translation.)

Don F. Vives to the Mixed Court.

Havana, 30th June, 1824.

GENTLEMEN,

UNDER this day's date I have written to His Excellency the Commander-in-Chief of the Naval Forces, as follows:—

"Most Excellent Sir,—The Enclosure which accompanies this will apprise your Excellency of the determination I have taken, respecting the claims made by the Mixed Commission established here, to have the cognizance of the cause respecting the entrance into this port of a brig with a cargo of negroes, as being a case of their exclusive jurisdiction, and I hope that your Excellency will be pleased to forward to me as soon as possible the original Documents, in order that I may transmit them to the aforesaid Corporation, and prevent the continuation of the protests against delay, which already have begun to be made, and with this I likewise have answered your Excellency's official Letters on the subject." And I communicate the same to you, enclosing likewise a Copy of the Documents above referred to for your information, and the moment the proceedings reach me they shall be forwarded to you without delay.

God preserve you many years.

(Signed)

FRANCISCO DIONISIO VIVES.

Decree in the Margin of the above.

Havana, 3rd July, 1824.

LET this be added to the proceedings, and its receipt acknowledged to His Excellency the Captain-General, expressing at the same time the thanks of this Commission for His Excellency's zeal and efficacy in an affair which in all respects requires the quickest despatch.

(Signed)

JAUREGUI, KILBEE, QUESADA—a Rubrick.

Opinion of the Oidor, Don José de Franco.

MOST EXCELLENT SIR,

THE question raised between the Real Junta of the Station and the Court of Mixed Commission, resident in this city by virtue of the solemn Treaty concluded between the King of Great Britain and Ireland and our Catholic Monarch, to which the Royal Cedula of the 19th December, 1817, has reference, as to which of the two tribunals belongs the cognizance of the prize brought to this port by the brig-of-war "*Marle*," and which is supposed to have been previously detained by the privateer "*Romano*," despatched from hence with the necessary *Patente*, presents doubts of sufficient importance, considering all the circumstances. The said Junta of the Station (the Navy Board) has explained with sufficient clearness the reasons it conceived to bear upon the question, in its resolution of the 22nd instant, in which it conformed with the Report of its Solicitor, wherein these reasons are specified; and the Mixed Commission has explained its reasons in the different official Letters it has addressed to this superior Government. The difficulty consists in graduating between the reasoning of the two, considering on both sides whatever is of most consequence, and after having reflected upon each, I incline to consider those of the aforesaid Mixed Commission of the greatest weight, considering that the vessel laden with slaves from the Coast of Africa has been detained by the brig-of-war "*Marle*," by which vessel herself she was brought to this port; and there is no doubt that under such circumstances, according to the 1st Article of the Instructions for Cruisers, inserted in the Treaty already mentioned, the detained vessel, with all the papers concerning her, ought to have been placed at the disposal of the said Mixed Commission, which, on investigating them, would have adjudged the legality or illegality of the capture, which is supposed to have been made of the same slave-vessel by the privateer "*Romano*," of which there is no authentic proof, and it may very well happen that this was nothing else than a measure of precaution for saving the cargo of negroes, in case of the vessel being captured by any one of the cruisers, as the said Commission infers. The other question which presents itself is not less embarrassing, viz., whether the authority of your Excellency can interfere in the question of competency between the authorities above-mentioned. The Navy Board denies it openly, and in truth, neither in the Treaty nor in the Royal Cedula before-mentioned, is there any order either for or against it. This question, nevertheless, having arisen in consequence of the said Commission intimating that it was not of the ordinary tribunals, subject to the general laws respecting competencies, but a Commission composed of individuals of both nations, immediately dependent upon their respective Sovereigns, and which consequently ought not to correspond with any other than the superior authority of the Island, which represents that of the King our Master, and to which for the same reason it looks for the fulfilment of its faculties, as sanctioned by the Treaty: it appears to me, that the resolution of the superior Government on the question at issue ought not to be so strange, and that it may very well repeat its intimation to His Excellency the Commandant-General of Marine, to remit to the said Commission everything relating to the detention of the slave-vessel by the brig-of-war "*Marle*," recommending to His Excellency's notice the results likely to occur in a contrary event, without prejudice to the cognizance of the case by the Junta of the Station, according to the resolution to be adopted by the said Commission: adding, that this affair is of sufficient gravity, and for this reason, if it appear meet to his Excellency, he can take other counsel, whereby to be more certain of the business.

(Signed)

JOSÉ DE FRANCO.

Havana, 28th June, 1824.

CLASS A.—FURTHER SERIES.

I

Decree.

Havana, 28th June, 1824.

With respect to what is expressed in the preceding opinion, let it be referred to Dr. Don Francisco Garcia de Fierro, that he may likewise report his opinion.

(Signed).

VIVES.

Opinion of Dr. Don Francisco Garcia de Fierro.

MOST EXCELLENT SIR,

Havana, 30th June, 1824.

HAVING examined these Papers with the maturest reflection, corresponding to the importance of the subject, relative to the detention of a merchant vessel with a cargo of negroes, off the coasts of this Island, I do not find any reasonable doubt as to the authority to which it pertains, to take cognizance thereof, to ascertain if it be a case of prohibition, since there is a law which points it out and determines, it being made a public Law by the High Contracting Parties. The King of Great Britain and our Sovereign agreed to abolish, and to cause to be carried into effect the abolition of the Slave Trade in their respective dominions; they foresaw the means of which their subjects might avail themselves for defrauding the law of the State; they declared the circumstances for liberating or condemning the vessels destined for the express purpose of the Trade, and they formed a Royal Commission, named by the two High Powers, for the suppression, and for adjudicating the cases in which it might be presumed that the prohibition was violated, and giving to these Commissions the clear and simple formula for the judgment, since which time such captures are not of the ordinary class, belonging to the military jurisdiction of the marine department of either of the two nations, nor are they adjudicated otherwise than by means of a political law, or a law of nations agreed upon between both Sovereigns, the execution of which depends upon the instructions with which they charged their Commissions. There is nothing clearer than the whole of the 12th Article of the Treaty of Madrid, the 6th cap. 2 of the Instructions for vessels of war, the 1st of the Treaty, and the 2nd, 3rd, and 12th of the Regulations for the Mixed Commissions, which I recommend to your Excellency's perusal and contemplation. The exceptions pointed out favour the capturing vessel, and are provided for by Art. 5 cap. 3, and by the 10th of the Treaty, and if by the same reason the detention is not comprehended under it, or is unjust, the illustrious agents of their Majesties will be gratified not only in declaring its liberation, but also in granting to the owners, when freed from the objects attributed to them, the indemnities provided for a case of the kind in the aforesaid instructions. It appears to me that your Excellency, as the first Magistrate of the Island, should thus acquaint the Navy Board and the Mixed Commission, because it would compromise your authority, and perhaps the good understanding between the two Cabinets, and might give occasion in other respects to suppose, that the Superior Local Government inclined to render the whole of the Treaty illusory, by withholding from the missionaries of the Crown the cognizance of a vessel suspected of the Trade in Negroes with this Coast, whether she be Spanish or English, or her cargo belonging to Spanish or English Proprietors.

(Signed)

DR. FRANCISCO GARCIO DEL FIERRO.

To the Members of the Mixed Commission.

Decree.

Havana, 30th June, 1824.

HAVING examined the preceding opinions, with which I agree, let Copies be sent, together with this Decree, to His Excellency the Commandant General of Marine, in order that he may be convinced of the reason I entertain for requesting him to forego, for the present, the cognizance of this case, and remit it to me in its present state, for the purpose of handing it over to the Mixed Commission established in this city, since I being the only authority empowered with it to carry the Treaty relating thereto into effect, it is unquestionable that the said Commission should receive it from my hands.

A true Copy.

(Signed)

VIVES.

(Signed)

FRANCISCO ANTONIO SEGURA.

Fourth Enclosure in No. 33.

(Translation.)

The Captain-General to the Mixed Court.

Havana, 24th November, 1837.

MOST EXCELLENT SIR,

UNDER date of the 26th October last, the Commandant-General of Marine writes me as follows:—

"MOST EXCELLENT SIR,—The Counsellor and Auditor of War of the Marine of this Station, for whose advice I referred your Excellency's Official Letter, dated the 20th instant, in continuation of the antecedents respecting the detention of the Spanish merchant schooner 'Matilde' by the pilot-boat of the Coast-guard of Cuba, the 'Teresita,' has given it in the following terms:—Señor Commandant General, I have examined the Official Letter of His Excellency the Captain-General of the 20th instant, enclosing one addressed to him by the Mixed Court on the 25th ultimo, and which comprises two parts: First, it insists that the said Tribunal has to correspond directly and exclusively with His Excellency; and secondly, it declares the necessity of the officer commanding the pilot-boat 'Teresita,' presenting himself here, and the schooner 'Matilde' being sent for adjudication. The first point should have been considered at an end, (although the question is not at rest,) since your Lordship made known that you had acquainted Her Majesty therewith for Her Sovereign resolution thereon; and in this understanding I would limit my opinion to the second point, did not the Mixed Court, for the support of its opinion, avail itself of an isolated and deficient Document, and if I did not observe that in the opinion of the First Assessor-General of the Government, which His Excellency the Captain General inserts in his Official Letter, it is evident that His Excellency recognises the legality of the reasons upon which the Mixed Court founds its claim, and that it pertains to his authority to intervene and cause the Treaty to be fulfilled, and because silence might be interpreted to the prejudice of the privileges of the Marine Court, by judging that it adhered to principles which it could not maintain, by reason of their not being considered sufficiently clear and unanswerable, as is

supposed. The Document which serves as a basis for the Mixed Court, and which has called forth the opinion of the Second Assessor of the Government, consists of the reports which Don Francisco Garcia del Fierro and Don José Franco made to His Excellency Don Francisco Dionisio Vives, in consequence of the dispute between the Mixed Commission and the Navy Board, as to which of the two Authorities it belonged to take cognizance of the capture made by the Spanish privateer "*Romano*" of the Portuguese brig "*Maria de la Gloria*," with a cargo of Africans on board. I have said that these Documents are isolated and deficient, and in effect being distinct portions of a question which was discussed with deliberation and warmth by both Tribunals, there should have been some reference made, however slight, to the effect produced by the resolution of His Excellency Señor Vives, and as to whether the Navy Board recognised the faculties attributed to His Excellency. To fill this void, and examine, as should have been done, into the progress and result of that legal encounter, I have examined the proceedings on the said capture, and it appears therefrom that the Marine Department, by the advice of the Auditor and Fiscal, demanded that if the Commission considered it its privilege to take cognizance of the capture, and raise a formal contention it should correspond directly with the Board, without the mediation of His Excellency the Captain General, (opinion of the 21st June, 1824, page 67) and when His Excellency, in conformity with the above-mentioned opinions of Messrs. Fierro and Franco, communicated to the Board the resolution of which the Mixed Court now makes a merit, the Junta was very far from agreeing therewith, or of recognising in His Excellency faculties for interfering in the affair, and deciding the legal dispute. In effect the Fiscal in his representation of the 1st July, 1824, grounded on the axiom that the power of judging is an exclusive gift of the Monarch, and that without special nomination nobody can exercise it, impugned the principles emitted in the said opinion, and the Navy Board, in conformity with that advice, although it forwarded the proceedings to His Excellency the Captain General, proposing an agreement with the Mixed Court, did so for political reasons, preserving its faculties and decorum, and with the formal protest which it extended, without impairing the jurisdiction upon which it alone recognised the Authorities appointed by the Laws for limiting it to that object, and not His Excellency, because the Sovereign from whom they all emanated, had given to the Chief of this Comandancia General a plenitude of power, which could not be curtailed by any other local authority, without committing an act which would disturb the order assigned to each public functionary in the exercise of his duties, &c. The force of these arguments could not fail to produce a corresponding effect, and thus it is that the said Señor Franco in his report of the 19th of the same month, with which His Excellency Señor Vives agreed, as appears from his Official Letter of the same date, stated that the authority of the Government has never exceeded the limits of insinuation or recommendation, in order to avoid consequences that might be disagreeable; and concluded by proposing that the whole matter should be laid before His Majesty, who might deign to make known his resolution, which would serve as a rule in future. Nothing has been determined on up to the present time by the Supreme Government, and the New Treaty presents on this particular the same void as the first, and still the reasons exist that were emitted by the Fiscal and the Navy Board, as well as the doubts of the said Señores Fierro y Franco, who in good faith confessed that the point was doubtful and delicate, limiting themselves to grounding their respective opinions on motives of expediency and policy. And by the way, it will not be superfluous to observe, that the first Teniente Assessor of the Government, also considering that the reasons of the Mixed Court were not obvious enough to disclaim the cognizance of the proceedings adopted at Cuba, in consequence of the detention of the "*Matilde*," when in its report of the 7th June last, transcribed in the Official Letter of His Excellency the Captain General of the same date, it allowed that the affair presented some circumstances of former discussion. For the identical reasons of the Navy Board for transmitting to His Excellency the Captain General the proceedings consequent on the capture of the brig "*Maria de la Gloria*," your Lordship agreed to adopt the prudential measures which I proposed in my Report of the 15th July last, for the rest I had no desire to extend the present Report in any respect beyond what a new discussion was calculated to provoke. I have only desired to simply facts, and to prevent silence being interpreted as an acquiescence in the principles emitted by the Mixed Court, and supported by the first Assessor of the Government, since this is a question already exhausted, and submitted to the determination of Her Majesty, to whom must be also transmitted an account of all that has lately transpired; in the mean time we will attend to the second particular. Your Lordship was pleased to acquaint me verbally that you had issued the necessary orders for Don José de la Cruz, the Commander of the pilot-boat "*Teresita*," to present himself here with all possible despatch, notwithstanding the serious inconvenience which results from removing an Officer from the charge he holds with the Royal approbation, and as regards the coming of the schooner "*Matilde*," the Mixed Court, without doubt has not given attention to the Official Letter of the Commandant of Marine at Cuba, a Copy of which was sent to them for the sole purpose of explaining to them the absolute impossibility of sending on the said vessel, by reason of her having set out on her voyage, as soon as her damages were repaired. All that can be done on this particular is to apprise the said Commandant of Cuba that, in case the "*Matilde*" return to that Port, he cause her to be immediately sent on to this with all safety, and without losing a moment, saving your better judgment, &c.—Havana, 25th October, 1837.—(Signed) ANASTASIO CARRILLO."

And having conformed with this opinion, I transmit it to your Excellency by Decree of yesterday, for your Excellency's information, and in reply to your Communication.

And I transcribe it to your Excellency and your Honour for the proper ends as regards you.

God preserve you many years.

The Judges of the Mixed Court of Justice.

(Signed) MIGUEL TACON.

No. 34.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 31, 1838.)

MY LORD,

Havana, 21st December, 1837.

WE have the honour to report to your Lordship, that the Spanish schooner "*Matilde*" was captured on the 4th instant, in latitude 19° 38' N., longitude 77° 12' W., by Her Majesty's sloop "*Snake*," Commander Milne, with 259 negroes

on board, of whom 4 have since died, and was brought into this port on the 11th instant, under the charge of Lieutenant Jauncey.

Your Lordship will perceive from the evidence, of which we send an abstract enclosed, that the slaves were taken on board at Ambriz, on the coast of Africa, and were intended to be taken to Santiago de Cuba, when the "Snake" fortunately came up with them.

Under these circumstances the Court, having met on the 14th and 15th instant, to receive the evidence, on the 18th pronounced sentence of condemnation on the vessel, and decreed the liberation of the surviving negroes.

The "*Matilde*," according to the ship's register, appears to have for its owner one Pedro Mas, who was also stated to be the Captain; but the real owner is reported to be an American, of the name of Wilson. According to the evidence, however, the Master, Pedro Mas, and his Chief Mate, were taken out of the "*Matilde*," together with a part of the crew and cargo, by a ship professing to be a Portuguese vessel of war (name unknown), though it is worthy of note, that the "*Matilde*" was found armed with 3 cannons and an extraordinary stock of ammunition and fire arms, all full loaded, so as to lead to a suspicion of the parties themselves having had certain piratical intentions.

We feel peculiar satisfaction in the capture of this vessel, as putting an end, most conclusively, to the questions arising from her having formerly been met by Her Majesty's ship "*Vestal*," and given up to the Spanish vessel of war "*Teresita*," which then claimed to have her in charge.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 34.

Captor's Declaration in the case of the "Matilde."

I, ALEXANDER MILNE, Commander of Her Britannic Majesty's sloop "Snake," hereby declare, that on this 4th day of December, 1837, being in or about latitude 19° 38' north, longitude 77° 12' west, I detained the ship or vessel named the goleta "*Matilde*," sailing under Spanish colours, armed with 3 guns, one 18, two 6 pounders, commanded by Dicho Camano, but at present in charge of Miguel Aldabo, who declared her to be bound from Ambris, coast of Africa, to Santiago de Cuba, with a crew consisting of 37 men, boys, supercargo, passengers, whose names, as declared by them respectively, are inserted in a list at foot hereof, and having on board 259 slaves, said to have been taken on board at Ambris and Cabenda, on the 15th day of October 1837, and are enumerated as follows, viz. :—

Healthy.	Sickly.
Men, 56	..
Women, 45	..
Boys, 98	..
Girls, 48	..
Children, 17	..

I do further declare that the said ship or vessel appeared perfectly seaworthy, and was supplied with a sufficient stock of water and provisions, for the support of the said negroes and crew on their destined voyage to Santiago de Cuba.

I do further declare, that the said vessel appears a fine vessel, well found, and slaves quite healthy and cleanly; but we were obliged to supply her with provisions to carry her on to Havana.

HORATIO JAUNCEY, *Senior Lieutenant, H. M. S. "Snake," witness.*

JAMES BANKIER, *M. D., Surgeon, H. M. S. "Snake," witness.*

I am doubtful as to the person in command of the "*Matilde*," being the proper person whose name is in the manifest.

(Signed)

ALEXANDER MILNE, *Commander H.M. sloop "Snake."*

Second Enclosure in No. 34.

Abstract of the Evidence in the Case of the "Matilde."

14th December, 1837.

Mr. Horatio Jauncey, First Lieutenant of Her Britannic Majesty's sloop "Snake," being duly sworn, affirmed the signature at the bottom of the letter to the Mixed Court, forwarded by the British Judge, to be his. That the document now showed to him is the same that was delivered to him by Alexander Milne, Esq., commander of the sloop-of-war "Snake," being the declaration respecting the detention of the "*Matilde*," signed by the said commander, whose signature he recognises, and affirms the truth of the contents. That he recognises the papers numbered from 1 to 4 as the same that he delivered to the British Judge, viz.,—1. The Royal Sailing Passport of the "*Matilde*;" 2. The Deed of Ownership of the said schooner; 3. The Muster-Roll of the "*Matilde's*" crew; and, 4.

the Log-book,—that they are the same that were delivered to him by the capturing commander, and which were found on board the "*Matilde*" on her examination. That he parted company with the "*Snake*" between Santiago de Cuba, and the Point of Tarquino,—that two of the negroes died on the passage from thence to Havana, and that there remained alive 257. That he did not touch at any other place, but came direct to this as the residence of the Mixed Court. That there are but a small quantity of provisions remaining in the vessel, and that they only took from the brig-of-war three large barrels of flour of about, he thinks, 370 lbs. weight each. That he now exhibits to the Judges the instructions mentioned in the Treaty, for examining and detaining vessels engaged in the Slave Trade, and that all he has declared is true.

Mr. Muirice Jones, volunteer of Her Britannic Majesty's sloop "*Snake*," being duly sworn, and having examined the Captor's declaration, affirmed the contents thereof to be true, and the signature to be that of Commander Milne, who detained the schooner "*Matilde*," and sent her to this port under the charge of Mr. Horatio Jauncey, with whom this deponent came.

15th December, 1837.

Don Miguel Aldabo, being duly sworn, deposed, that he is Third Mate of the schooner "*Matilde*," that the "*Matilde*" was detained by Her Britannic Majesty's brig "*Snake*," and brought to this port by a Prize Master for having negroes on board. That there were 250 odd slaves on board the "*Matilde*" at the time of the detention; but that he does not know the exact number; that they brought the negroes from Ambris on the coast of Africa; that the detention was made in latitude 19° 40' north, and longitude 71° 15' west of Cadiz. That they sailed from Santiago de Cuba; that the owner of the vessel is Don Pedro Mas, who filled the situations of Captain and Supercargo, and that the cargo was linens, muskets, aguardiente, bars of iron, and gunpowder. That the said Captain Mas is not amongst the detained crew, but that he was left behind in Africa, detained by some Portuguese vessel, who also robbed them of part of their cargo. That they touched at no place on their passage from Africa. That he does not recollect on what day they arrived at Ambris, nor when they sailed from Cuba, but that they embarked 272 slaves of both sexes. That the papers now shown him are the same with which the "*Matilde*" sailed, and which the captors took from on board at the time of detention. That of the outward bound cargo, there remains on board some bars of iron, from 8 to 10 pipes of aguardiente, 2 or 3 barrels of gunpowder, and nothing else. That Don José Camano, who is called the Captain in the Muster-roll he has just examined, did not sail in the vessel on her expedition to Africa, that he remained at Cuba, and the Captain, as he has already stated, was Don Pedro Mas. That the second Mate, Don Angel Jose Conesa, as stated in the Muster-roll, also remained a prisoner on the coast of Africa.

Don Hilario Delgado being duly sworn, deposed, that he is Boatswain of the Spanish merchant-schooner, "*Matilde*," which vessel was detained in sight of the Point of Tarquino on this island, by an English brig-of-war, which sent them into this port for having Bozal negroes on board. That there were 259 slaves on board, embarked at Ambris on the coast of Africa, and that, as well as he can recollect, they there took on board 272 of both sexes, who were reduced by disease to the before-mentioned number. That they sailed from Santiago de Cuba, on what day he does not recollect, with Spanish papers, and a cargo consisting of bales of linen, bars of iron, muskets, and aguardiente in demijohns, and that they have brought back about 250 bars of iron, and 9 pipes of aguardiente. That the Owner, Captain, and Supercargo, was Don Pedro Mas, who was left prisoner in Africa, together with Don Angel Conesa, the Portuguese having taken them as well as a part of the merchandise. That the papers now shown to him are those with which the schooner "*Matilde*" sailed, and which were taken by the captor at the time of the detention. That he is 28 years of age.

Don José Aliena, seaman on board the schooner, "*Matilde*," deposed, that the "*Matilde*" was brought to this port by an English Officer, Lieutenant of Her Britannic Majesty's brig "*Snake*," on account of her having Bozal negroes on board. That there were 259 slaves on board at the time of detention; that there were taken on board at Ambris on the coast of Africa, to the number, although he does not well recollect, of 270. That they sailed from Santiago de Cuba with Spanish papers, because their flag was Spanish, and that the cargo consisted of bales of goods, gunpowder, muskets, aguardiente, and some other effects which he cannot recollect. That they bring back no part of the cargo that remained, although all the goods were not expended in the purchase of the slaves, because a Portuguese ship carried off part of their merchandise, and detained the Captain and the Second Mate, Don Angel José Conesa, besides others, who remained at Cabinda. That he is 28 years of age.

Third Enclosure in No. 34.

Sentence in the Case of the "Matilde."

(Translation.)

In the Always Most Faithful City of Havann, on the 18th day of December, 1837, the Most Excellent Señor Don José Maria Henrera y Herrera, Conde de Fernandina, Grandee of Spain, &c. &c. the Spanish Judge of the Mixed Court of Justice, established in this city, and James Kennedy, Esq., the British Judge thereof, having examined the proceedings consequent upon the detention made by the English brig-of-war "*Snake*," Commander, Alexander Milne, in latitude 19° 38' north, and longitude 77° 12' west, of the Spanish merchant-schooner "*Matilde*," sailing under Spanish colours, armed with 3 guns, one 18-pounder, and two 6-pounders, and commanded by the 3rd Mate, Don Miguel Aldabo, the Captain not being on board, he having been left a prisoner at Ambris, on the Coast of Africa, from whence he was sailing from Santiago de Cuba; and having on board, at the time of capture, 259 negroes of both sexes: and it appearing by the Declaration forwarded by the Commander of the said English brig, and presented by the Lieutenant of the said vessel, Mr. Horatio Jauncey, by the Declaration of this last Officer, by that of the before-mentioned Don Miguel Aldabo, and the other individuals examined, as also by the Spanish Papers found on board, that the said schooner sailed from Santiago de Cuba on the 16th of May last for the Cape de Verd Islands, with Spanish goods, and made for Ambris, on the Coast of Africa, where she purchased 272 slaves of both sexes, and that she sailed on her return to Santiago de Cuba, the above-mentioned number of 272 slaves being reduced by illness at the time of detention, and of those remaining 2 more died up to the time of her arrival and anchorage in this Port; so that on the whole they are reduced to 257. Whereupon the Judges agreed that they ought to declare, and hereby do declare, with all due regard

to the merits of the case, and according to the usual brief and summary mode of proceeding adopted in all such cases, on the truth being made manifest, the capture of the above mentioned schooner "Matilde" to be good and legal, together with the 257 negroes, and that the vessel, with whatever effects may be found on board, including her tackle, apparel, and whatever may appear in her inventory, excepting the above-mentioned 257 negroes remaining alive, are subject to confiscation, the said negroes remaining free from all slavery and captivity; and the Prize-Master is directed to deliver up the condemned vessel to Don Juan Sintas, according to formal inventory, for which purpose the necessary Order will be issued previously to the accustomed oath being administered, and the same then to be kept at the disposal of the Court, until she be broken up and sold by public auction, in order that the proceeds be applied to the benefit of the two Governments, for which purpose she will be valued by the Principal Masters of the Royal Arsenal, who shall be likewise sworn to perform this duty faithfully, previously to the assistance being rendered by the Commandant-General of this Station, by means of his Excellency the President, Governor and Captain-General, in the same manner as heretofore. The Secretary shall also proceed to deliver to the above-mentioned negroes their Certificates of Emancipation, and shall address an official Letter, with a Copy of this Sentence, to his Excellency the Captain-General for his information, and in order that the Spanish individuals of the crew of the schooner "Matilde" may remain at his Excellency's disposal, for whatever purpose may be necessary. And by this their sentence, definitively judging, thus the Judges provided, ordered, and signed, in the presence of the Secretary, who certifies.

(Signed) EL CONDE DE FERNANDINA.
J. KENNEDY.

(Signed) JUAN FRANCISCO CASCALES, *Secretary*.

No. 35.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 22nd February, 1838.

I HAVE received your Despatches to that of the 21st of December, 1837. With reference to your Despatch of the 20th of December, upon the subject of the claim made by the Master of the "*Vencedora*," for compensation for the detention of his vessel by Her Majesty's sloop "*Ringdove*," I have to acquaint you that I fully approve of the course which has been pursued by the Mixed Court, for ascertaining, by means of a commission, the actual loss incurred in the case, and that I am of opinion that the articles of the cargo, which may be proved to have been removed from the "*Vencedora*" by the captor, may fairly be allowed to form an item in the claim for damages for which compensation is to be made.

With regard to your request for instructions as to the mode in which payment is to be made, I have to inform you, that the claimant should be furnished with an official copy of the award, if any, made in his favour by the Mixed Court against the captor; and that it is for him to take the necessary steps for recovering the amount awarded, either from the captor, or in his default from Her Majesty's Government.

I have, &c.

(Signed)

PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

No. 36.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 6th March, 1838.

I HAVE directed Her Majesty's Envoy at Madrid to communicate to the Government of Her Catholic Majesty, the substance of a letter which was addressed to me on the 26th August, 1837, respecting the Slave Trade said to be carried on from Cadiz and in the West Indies, in vessels the property of Spaniards, but sailing under the Flag of Portugal.

I have now to transmit to you a copy of the answer, which has been returned by the Spanish Government, to the communication made to them by Sir G. Villiers upon the subject. The Spanish Government state, that inquiries are being made at the Havana, respecting the facts and circumstances mentioned in Mr. Kennedy's letter, and that orders will be given for redoubling the precaution taken for the prevention of fraud and abuses similar to those complained of.

I have, &c.

(Signed)

PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 36.

Sir G. Villiers to Viscount Palmerston.

Madrid, February 10th, 1838.

(See Class B. of this Series, No. 11.)

No. 37.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 6th March, 1838.

I HEREWITH transmit to you the Copy of a Despatch and of its Enclosure, from Her Majesty's Envoy at Madrid, containing the answer returned by the Spanish Government to a complaint made to them by His late Majesty's Government in the year 1836, founded upon the information sent by you on the 30th April in that year, that 4 Spanish vessels had landed cargoes of Slaves on the coast of Cuba.

I have, &c.

(Signed)

PALMERSTON.

Her Majesty's Commissioners,
 &c. &c. &c.

Enclosure in No. 37.

Sir G. Villiers to Viscount Palmerston.

Madrid, February 17th, 1838.

(See Class B. of this Series, No. 12.)

No. 38.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 6th March, 1838.

WITH reference to my Despatch to you of the 5th January last, relative to a Negro who had secreted himself on board Her Majesty's ship "Romney," stationed at the Havana, and whom Lieutenant Jenkin had given up to the Local Authorities at that place, I herewith transmit to you the accompanying Copies of two Despatches and of their Enclosures, from Her Majesty's Minister at Madrid, by which you will perceive, that the Spanish Government have expressed themselves to be much pleased with the course pursued by Lieutenant Jenkin in this matter.

I have, &c.

(Signed)

PALMERSTON.

Her Majesty's Commissioners,
 &c. &c. &c.

Enclosures in No. 38.

Sir G. Villiers to Viscount Palmerston.

Madrid, January 27th, 1838.

" February 3rd, "

(See Class B. of this Series, No. 6 and No. 9.)

No. 39.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 6th March, 1838.

WITH reference to previous Correspondence upon the subject of the Negroes, stated to have been concealed on board the Spanish schooner "*Vencedora*," while she lay in the harbour of Cadiz, previous to her departure for the West Indies, I herewith transmit to you the accompanying Copies of two Despatches, and of their Enclosures, from Her Majesty's Minister at Madrid.

You will perceive by the Spanish Minister's note of the 29th January, 1838, enclosed with these Despatches, that the Spanish Government have ordered inquiries to be instituted into at Cadiz, for ascertaining the truth of the allegations made upon this subject.

I have, &c.

(Signed)

PALMERSTON.

Her Majesty's Commissioners,
 &c. &c. &c.

Enclosures in No. 39.

[Sir G. Villiers to Viscount Palmerston.

Madrid, January 27th, 1838.

February 8th,

[(See Class B. of this Series, No. 7 and No. 10.)

No. 40.

Her Majesty's Commissioners to Viscount Palmerston.—(Rec. March 7, 1838.)

MY LORD,

Havana, 22nd December, 1837.

WE have the honour to acknowledge having received your Lordship's Despatch of the 18th September last, containing your Lordship's Instructions respecting the providing food and clothing for the negroes brought here in slave-vessels by Her Majesty's cruisers, and liberated by sentence of the Mixed Court, which Despatch we duly communicated to Her Majesty's Superintendent of liberated Africans.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 41.

Her Majesty's Commissioners to Viscount Palmerston.—(Rec. March 7, 1838.)

MY LORD,

Havana, 30th December, 1837.

WE beg leave to subjoin lists of such arrivals and departures of slave-vessels, during the past month, as we have been able to obtain information of, viz. :—

ARRIVALS.

December 15th	Portuguese	Schooner	"Constitucion"		
" 17th	"	Ship	"Maria Segunda,"	J. Garcia, Master.	
			(a) Socorro		
" "	"	Brig	"Palmira"	" "	" "
" 23rd	"	Schooner	" "	" "	" "
" "	"	Ditto	" "	" "	" "
" 30th	"	Brig	"Carlota"	" "	" "

DEPARTURES.

December 11th	American	Schooner	"Itramurra,"	cleared for	Isla Principe
" 15th	Spanish	"	"Montaña,"	"	Cape de Verd
" 23rd	Portuguese	Brig	"Veloz,"	"	San Tomé.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 42.

Her Majesty's Commissioners to Viscount Palmerston.—(Received March 7.)

MY LORD,

Havana, 1st January, 1838.

IN obedience to the Act of Parliament 5th Geo. IV. cap. 113, entitled "An Act to amend and consolidate the laws relating to the abolition of the Slave Trade," we have the honour to enclose to your Lordship a return of the cases, adjudicated in the Mixed Court of Justice at this place during the last six months.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston G.C.B.

&c.

&c.

&c.

Enclosure in No. 42.

Return of Spanish Vessels brought before the Mixed Court of Justice at the Havana for Adjudication, between the 1st July, 1837, and the 1st January, 1838.

Name of Vessel.	Date of Seizure.	Property Seized.	Seizer.	Date of Sentence.	Decretal part of Sentence, whether Forfeiture or Restitution.	Whether Property Condemned has been sold or converted, and whether any part remains unsold, and in whose hands the Proceeds remain.
Antonica . .	7 June 1837	Schooner, with 183 Negroes.	Commander Hope, H.M.S. "Racer."	11 September 1837	Forfeiture.	The vessel has been broken up and sold, according to the stipulations of the Treaty, and the proceeds still remain in the hands of the Secretary of the Mixed Court.
Vencedora . .	14 October, 1837	Schooner, with 26 Negroes.	Commander Nixon, H.M.S. "Ringdove."	11 November, 1837	Restitution.	
Matilde . .	4 December, 1837	Schooner, with 259 Negroes.	Commander Milne, H.M.S. "Snake."	18 December, 1837	Forfeiture.	The vessel, &c. are now under the charge of Don Juan Sintas, to be broken up according to the Treaty.

(Signed)

J. KENNEDY.
EDWARD W. H. SCHENLEY.

No. 43.

Her Majesty's Commissioners to Viscount Palmerston.—(Received March 7.)

MY LORD,

Havana, 1st January, 1838.

IN submitting to your Lordship our yearly Report of the state of the Slave Trade, we have to express our regret, that, notwithstanding the additional difficulties placed in the way of obtaining information, that traffic seems to be considerably increased during the last year, if we may form an opinion by the number of vessels that have lately sailed from this port for the coast of Africa.

In the year 1836 the number of vessels which left this port for the coast of Africa, as appears by the Return, Enclosure No. 1, was 38, viz.—

Spanish . . 28
Portuguese . . 5
American . . 5

Total . . 38

During the last year, see return Enclosure No. 3, the departures have increased to—

Portuguese . . 40
Spanish . . 19
American . . 11
Austrian . . 1
Swedish . . 1

Total . . 72

In justice, however, it must be stated, that the Austrian vessel was known to be engaged otherwise than in the illicit trade with Africa; and there is reason to believe that the Swedish vessel, also, was not directly implicated in the traffic.

In other respects we have little to add to the remarks forwarded to your Lordship on former occasions; but we cannot fail in our duty to congratulate your Lordship on the success which has attended the provisions of the Treaty of 1835, as evinced by the anxiety of the Slave Traders to avoid its penalties by putting their vessels under other flags; and, accordingly, we find that there are very few vessels sailing now, from this port for the coast of Africa, under Spanish colours. This will account for the great increase in the return of Portuguese vessels engaged in the trade; and this must also account for the scanty traces we have been enabled to obtain of the vessels that sailed from this port for Africa in the year 1836. When placed under the Portuguese flag, they were also furnished with other names; and it is thus almost impossible for us to recognise, under one name, the vessel that had sailed under another. Some of the transfers have been said to have been made in the Portuguese possessions on the coast of Africa, but there are also persons here, who are reported to be engaged in furnishing Portuguese papers to the owners of slave vessels. Of these we have been informed of one person,

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named José Massoura, living in the Calle de Justiz, who received 2000 dollars for papers to a schooner; and is reported to have done the same for others.

Yet, notwithstanding the great increase in the number of vessels from this port, it is stated that the trade is by no means flourishing. Many persons engaged in it have been considerable losers by the captures on the coast of Africa, and the premiums on insurances have arisen, it is said, to even more than 40 per cent. The price of slaves, also, per head, as brought in cargo, has arisen to the average of 480 dollars; and there is an anxiety evinced by the planters to stock their plantations, under the belief that the determination of the British Government to put down the trade, by inducing other nations to agree to the same Treaty as that of 1835 with Spain, will be eventually successful.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 43.

List of Slave Vessels which Sailed from the Port of Havana for the Coast of Africa during the Year 1836.

No.	Date.	Nation.	Class.	Vessel.	Master.	Remarks.
1	4 Jan.	Spanish	Schooner	Tres Manuelas . .	— Marques . . .	Returned. { Captured by Her Majesty's ship "Vestal."
2	17 "	Portuguese	Brig .	Fenix	J. A. Barbara . .	
3	27 Feb.	Spanish	"	Rosario	— Alcain.	
4	2 Mar.	Portuguese	"	Fortuna	— Maqueda.	
5	8 "	Spanish	"	Marinero	— Milan.	Returned.
6	8 "	"	"	Isabel	— Montero.	
7	19 "	Portuguese	Schooner	Josefina	— Mentor.	
8	19 "	Spanish	"	Union	— Berquer . . .	
9	19 "	"	Brig .	Nazareno	— Camafo	Returned 18th Jan. 1837. Returned.
10	20 "	"	"	Ramoncito	— Housa.	
11	28 "	"	"	Felicia	— Hevia.	
12	19 May	"	"	Segunda Monica .	— Canil.	
13	22 "	"	"	Florentino	— Tomas.	Returned.
14	22 "	"	"	Salvador	— Botel.	
15	26 "	"	Ship .	Europa	—	
16	29 "	"	"	Socorro	Anto. Eduardo Muzard	
17	— Sept.	Portuguese	Brig .	{ Esperanca, alias Mi- nerva, alias Mercury }	— Carvalho.	Returned.
18	4 Oct.	American	Schooner	Anasconda.		
19	8 "	"	"	Viper.		
20	"	"	Brig .	Marcha.		
21	5 "	Spanish	Schooner	Dolores.		Returned.
22	5 "	"	"	Manuelita	
23	"	"	Ketch .	Moratin.		
24	22 "	"	Schooner	Carlota	
25	"	"	"	Rosarita.		Returned.
26	"	"	"	Emanuel.		
27	22 "	American	Ship .	Rosana.		
28	"	"	Schooner	Fanny Butler	
29	1 "	Spanish	"	Julia.		{ Seized at Cape de Verde, on account of informality in her Papers.
30	4 "	"	"	Preciosa.		
31	14 "	"	"	Urraca.		
32	— Nov.	"	Brig .	Lanzarote.		
33	"	"	"	Flor de la Mar.		
34	"	"	Schooner	Sirena.		
35	"	Portuguese	"	Maria Teresa.		
36	6 Dec.	Spanish	Brig .	Galgo.		
37	23 "	"	"	Union.		
38	"	"	Schooner	Donzella Veermosa.		

Spanish	28
Portuguese	5
American	5
Total	38

Second Enclosure in No. 43.

List of Slave Vessels which have Arrived at the Port of Havana from the Coast of Africa during the Year 1837.

No.	Date.	Nation.	Class.	Vessel.	Master.	Remarks.
1	4 Jan.	Portuguese	Schooner.			
2	7 "	"	Brigantine			
3	10 "	Spanish	Brig .	Jacinto	— Trillo.	
4	12 "	Portuguese	Ship .	Cavalho Maria . .	— Perez.	
5	18 "	"	"	{ Duquesa de Braganza, alias Europa, alias Alerta.		
6	19 "	"	Brig.			
7	20 "	"	Ship.			
8	26 "	"	Schooner	Prueba	— Diaz.	
9	27 "	"	Brig .	Margaret	— Ayons.	
10	28 "	"	Schooner.			
11	29 "	"	Brig.			
12	30 "	"	Schooner	Josefina	— Pinto.	
13	3 Feb.	"	Brig .	Luisa	— Diaz.	
14	9 "	"	"	Tajo	— Maqueda.	
15	" "	"	Schooner	Tratado	— Cardoso.	
16	17 "	"	"	Ligera	Juan Gualberto.	
17	21 "	"	"	Dulcinea	— Garay.	
18	22 "	"	"	Aguila Vengadora .	— Zavala.	
19	6 April	"	"	Feliadad	— Pereira.	
20	15 "	"	"	Eliza	— St. Ana.	
21	17 "	"	Brig .	Camoy	— Silva.	
22	" "	"	"	Liberal	— Freytat.	
23	23 "	"	Schooner	Primorosa	— Barrosa.	
24	" "	"	Brig .	Boca Negra	— Cardoso.	
25	" "	"	Schooner	Dos Hermanas . . .	— Carvalho.	
26	26 "	"	"	Vitoria de Cabo Verde	— Saldanha.	
27	14 May	"	"	Sirca	— Viera.	
28	16 "	Spanish	Brig .	Paquete de Cabo Verde	— Bertinati.	
29	8 June	Portuguese	"	Diligente	— Acosta.	
30	10 "	"	"	Hercules	— Ferreira.	
31	14 "	"	"	Triunfo	— Cardoso.	
32	20 "	"	"	Maria Teresa . . .	— Mayo.	
33	17 July	"	Schooner	Ligera	Miguel Antonio.	
34	14 Aug.	"	"	Destemida		
35	8 Sept.	Spanish	"	Primera Union . .	— Pey.	
36	12 "	Portuguese	"	Feliz	J. Victorio.	
37	19 "	"	"	Dido		
38	— Oct.	"	"	Francisca		
39	" "	"	"	Ligera		
40	— Nov.	"	"	Manuelita		
41	" "	"	"	Dos Hermanos . . .		
42	16 Nov.	"	"	Olimpa	— Silva.	
43	25 "	"	"			
44	28 "	"	"	Veloz	— Lima.	
45	30 "	"	"	Maria Teresa . . .		
46	15 Dec.	"	"	Constitucion . . .		
47	17 "	"	Ship .	Maria Segunda . .		
48	" "	"	Brig .	Palmina		
49	23 "	"	Schooner			
50	" "	"	"			
51	30 "	"	Brig .	Carlota		

Portuguese	48
Spanish	8
Total	51

Third Enclosure in No. 43.

List of Vessels which have sailed from the Port of Havana for the Coast of Africa during the Year 1837.

No.	Date.	Nation.	Class.	Vessel.	Master.	Remarks.
1	13 Jan.	Spanish	Schooner	Dolorita.		
2	14 "	Portuguese	"	Constitucion . . .		{ Detained by Her Majesty's ship "Racer."
3	1 Feb.	"	"	Dido . . .		Returned.
4	3 "	"	"	Tres Manuelas, alias Sin Igual.		
5	4 "	"	"	Maria Segunda . . .		Returned.
6	5 "	Spanish	Brig	Isabel.		
7	8 "	Portuguese	Schooner	Triunfo . . .		Returned 14th Jan.
8	14 "	Spanish	"	Constitucion . . .		{ Returned 15th December, under Portuguese colours.
9	20 "	"	"	Linee.		
10	22 "	American	"	Bee . . .		{ Sailed for Cape de Verde under suspicious circumstances.
11	1 March.	Spanish	Brig	General Ricafort.		
12	7 "	American	"	Two Friends.		
13	"	Portuguese	Schooner	Tratado.		
14	"	"	"	Olimpia . . .		Returned 16th November.
15	20 "	Spanish	Brig	Tajo.		
16	22 "	"	Schooner	Francisca . . .		Returned — October.
17	1 April.	"	"	Ligera.		" "
18	4 "	Portuguese	"	Belencita.		
19	14 "	"	Ship	Palmira . . .		Returned 17th December.
20	20 "	"	Schooner	Dulcinea.		
21	25 "	"	"	Margarita.		
22	9 May.	"	"	Elisa.		
23	13 "	"	"	Primerosa.		
24	20 "	Spanish	"	San José.		
25	"	Portuguese	Polacca .	Palmira.		
26	23 "	"	Schooner	Felicidad.		
27	24 "	"	"	Vibora de Cabo Verde.		
28	25 "	"	Ship	{ Maria Segunda, alias Socorro . . . }		Returned 17th December.
29	27 "	Spanish	Brig	Anita.		
30	"	"	Schooner	Jacinto.		
31	3 June.	Portuguese	Brig	Matilda.		
32	13 "	American	"	Morris Cooper.		
33	16 "	Spanish	"	Águila Vengadora.		
34	19 "	Portuguese	"	Liberal.		
35	26 "	American	Schooner	Terrible.		
36	27 "	Portuguese	Ship	Amelia.		
37	7 July.	Spanish	Schooner	Nueva Amable Salome.		
38	8 "	"	Brig	Irene.		
39	11 "	Portuguese	Schooner	Constitucion . . .		Returned 15th December.
40	13 "	American	"	George Washington.		
41	"	Portuguese	"	Triunfo de Cabo Verde.		
42	14 "	"	"	Dos Hermanos.		
43	"	American	"	Perry.		
44	18 "	Portuguese	Brig	Maria Teresa.		
45	26 "	"	Schooner	Prueba.		
46	27 "	"	"	Segunda Maria.		
47	28 "	Spanish	Brig	Emprendedor . . .	— Garcia.	
48	29 "	"	Schooner	Josefita . . .	— Manegat.	
49	5 August.	Portuguese	Brig	Fortuna.		
50	19 "	Spanish	Schooner	Famosa Estrella.		
51	21 "	American	Brig	Teaser.		
52	22 "	Austrian	"	Trasibolo . . .	— Smaserick . . .	{ Carried negroes from Havana to the Coast of Africa.
53	9 Sept.	Portuguese	Schooner	Destemida.		
54	16 "	"	Brig	Ligero.		
55	19 "	"	"	Camoens.		
56	23 "	"	Schooner	Oposicion . . .		
57	26 "	"	"	Síra.		
58	30 "	"	"	Feliz.		
59	2 Oct.	"	"	Felicidad.		
60	3 "	American	"	Washington.		
61	18 "	Spanish	"	Primera Union.		
62	19 "	Portuguese	"	Estela.		
63	20 "	American	"	Joseph Hand.		
64	2 Nov.	Portuguese	"	Ligera.		
65	7 "	Swedish	Brig	Victorina . . .		Cleared for Cape de Verde.
66	18 "	Portuguese	"	Vigilance.		
67	23 "	American	Schooner	Cleopatra.		
68	"	Portuguese	"	Sin Igual.		
69	30 "	"	Brig	Triunfo de Loando.		
70	11 Dec.	American	Schooner	Itramurra.		
71	15 "	Spanish	"	Montaña.		
72	23 "	Portuguese	"	Veloz.		

Portuguese	40
Spanish	19
American	11
Austrian	1
Swedish	1

Total . . . 72

No. 44.

Her Majesty's Commissioners to Viscount Palmerston.—(Received March 7.)

MY LORD,

Havana, 2nd January, 1838.

WE have the honour to enclose to your Lordship the copy of a Letter received from Her Majesty's Superintendent of liberated Africans, giving an account of his proceedings relative to the negroes brought here in the Spanish schooner "*Matilde*," and liberated by sentence of the Mixed Court of the 11th of December last.

From this detailed account your Lordship will perceive, that, of the 254 surviving, there were 220 negroes sent on the 31st December to Her Majesty's possessions at Belize; 16 have been received as recruits on board the "*Romney*," and 18 remain, having been in a state of weakness and illness at the time when the others sailed, though now convalescent.

We have, &c.
J. KENNEDY.
EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 44:

Mr. Madden to Mr. Kennedy.

SIR,

Havana, 31st December, 1837.

I HAVE the honour to acknowledge having received Certificates of emancipation for the negroes brought here in the Spanish schooner "*Matilde*," and liberated by the sentence of the Mixed Court on the 18th instant. Pursuant to your directions, Lieutenant Jauncey, the Officer in charge of the "*Matilde*," delivered over to me 254 negroes, 3 having died since the vessel was brought into this Port, and of these 1 only, since liberation, on board the "*Matilde*." Of the 254, 241 were sent on board the "*Romney*;" the remaining, 73 having been attacked with small pox, were sent to the sick depôt, formed, *pro tempore*, for their reception, the hospitals on shore having refused to receive them; and subsequently one having consented, but on terms I should not have been justified in complying with. Of the negroes on board the "*Romney*," 16 have been enlisted into Her Majesty's 1st and 2nd West India Regiments, 5 more are on the sick list, and 220 have been this day embarked on board the brig "*Venus*" for Belize; the number being as follows:—

Sick remaining	18
Enlisted into 1st and 2nd West India Regiments	16
Removed to Belize	220
	254

The sick, when sufficiently convalescent, shall be removed by the first opportunity.

I beg leave to express to you how sensibly I feel the advantages my duties in the emergencies of the present case have been received from your assistance and support.

I have the honour, &c.

(Signed)

R. R. MADDEN.

No. 45.

Her Majesty's Commissioners to Viscount Palmerston.—(Received March 7.)

MY LORD,

Havana, 6th January, 1838.

WE have the honour to enclose to your Lordship the deposition of Don José de la Cruz, Lieutenant in the Royal Navy, and Commander of the Spanish pilot-boat of war "*Teresita*," who, on the 4th May, 1837, claimed, as a prize, and took from Her Britannic Majesty's ship "*Vestal*," the Spanish schooner "*Matilde*," since condemned by the Mixed Court of Justice, for being equipped for the traffic in slaves, in contravention of the Treaty of 1835.

Lieutenant Cruz has been ordered by his Excellency the Captain-General to appear before the Mixed Court, to make declaration of his capture; and your Lordship will perceive, that he charges the circumstance of the "*Matilde*" not having been brought before the Mixed Court for adjudication, to the responsibility of the Commandant of Marine at St. Jago de Cuba.

We have, &c.
(Signed) J. KENNEDY.
EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 45.

Deposition of Lieut. Cruz, relative to the schooner "Matilde."

(Translation.)

In the Always Most Faithful City of Havana, on the 4th January, 1838, appeared personally before the Spanish and British Judges of the Mixed Court of Justice, Don José de la Cruz, Lieutenant in the Royal Navy, and Commander of the Spanish Pilot-boat of war "Teresita," who made oath according to law, and declared in reply to the question, whether the Report now shown to him, and belonging to the proceedings relative to the detention of the Spanish merchant-schooner "Matilde," is the same that he made to the Commandant of Marine of Cuba on the 5th May last; that it is the same that he made to the said Commandant of Marine; that its contents are true; that he has nothing to add or take from it, and that he ratifies it in all its parts.

Being asked why, having taken charge of the schooner "Matilde," he did not send her to this Port for adjudication by the Mixed Court of Justice, to which the cognizance of her Case belonged, according to the 1st Article of Annex. A. to the Treaty between their Catholic and Britannic Majesties of the 28th June, 1835, instead of sending her to the Port of Cuba, he declared that on taking charge of the said schooner she was very leaky, for which reason he sent her to Cuba, as the nearest Port to where she was detained, in order that, on being repaired, the Commandant of Marine of that Province might pass her to the Tribunal by which she was to be adjudicated, as stated in his before-mentioned Report, and that he had considered it better to send her into a Port where she could be repaired, than to expose her to a longer voyage in which she might have been lost. That what he has above declared is true upon his oath.

(Signed)

FERNANDINA.
J. KENNEDY.

(Signed)

JOSE DE LA CRUZ.

(Signed)

JUAN FRANCISCO CASCALES, *Secretary.*

No. 46.

Her Majesty's Commissioners to Viscount Palmerston.—(Received March 7.)

MY LORD,

Havana, 31st January, 1838.

WE have the honour to inform your Lordship, that on the 15th December last, Her Majesty's sloop "Ringdove," Commander Nixon, in sailing from this port to Jamaica, came up, in about lat. 19° 50' N., long. 75° 47' W., with the Spanish schooner "Vigilante," from Porto Rico to St. Jago de Cuba, in which vessel, upon search being made, were found 3 negroes on the deck, apparently not of recent importation from Africa; and, stowed away in the main-hold, 18 other negroes, evidently Bozales. For all of the negroes were Passports produced from the Governor of Puerto Rico, precisely similar in form to those produced in the case of the "Vencedora," under similar circumstances; when, being at the time off St. Jago de Cuba, and the "Vigilante" in an extremely leaky condition, Commander Nixon determined to take her into that harbour. On further examination, as will appear by the Enclosure No. 3, the "Vigilante" proved to be so totally unseaworthy, that it was impossible for her to be sent round to this port; and being found not above the estimated value of Forty Pounds sterling, was not in a condition to admit of sufficient repairs to make her fit for even such a voyage. Commander Nixon, therefore, not able apparently to discover any well-founded cause for further detention, thought it advisable to give up the vessel at once to the owners, and discharge the crew, contenting himself with taking an assurance from the Governor of St. Jago, and a guarantee from a merchant of that place, Don Ramon Mayol, that the negroes should remain subject to the decision of the Mixed Court of Justice. The period of cruise for the "Ringdove" having expired, and the provisions and stores requiring to be renewed, Commander Nixon was under the necessity of proceeding to Jamaica, whence he sent his declaration (Enclosure No. 1), as required by the Treaty, together with the papers of the "Vigilante" (Enclosure No. 4), by Her Majesty's sloop "Snake," then coming to this port; but without any officer, or other evidence, to support the right of detention.

On examining the papers of the "Vigilante," and also other communications from Commander Nixon, and the English Consul at St. Jago, Her Majesty's Judge, considering that nothing was stated to have been found on board in contravention of the equipment Articles of the Treaty of 1835, nor any reason given to suppose that the vessel had been engaged otherwise than in coasting transactions, or from the island of Porto Rico to Cuba, was of opinion, in accordance with the decision of the Mixed Court of Justice in the case of the "Vencedora," that he had no alternative but to concur in the expediency of Commander Nixon's act, in having discharged the vessel and crew, and in directing the negroes to be given up to the parties who claimed them.

The Declaration and Papers, which are the usual papers of a Spanish merchant-vessel, arrived at the Havana on the 6th January, and on the 17th, not receiving any further communications, either by the "Snake," or by Her Majesty's ship "Champion," which subsequently arrived from Jamaica, to state that Commander

Nixon could be considered as acting otherwise than abandoning the case on his own responsibility, the Mixed Court of Justice met, and agreed to a sentence in the terms above stated, of which we have the honour to enclose your Lordship a copy (Enclosure No. 5.)

After this meeting on the 17th instant, Her Majesty's Commissioner of Arbitration, not concurring in the opinion of Her Majesty's Judge, of which the former was informed on the 8th instant, urged that a Commission, including, at least, one member of the Mixed Court, should be sent to St. Jago, to examine the vessel, the negroes, and such of the crew as might be found there, under the impression that evidence might thus be procured to condemn the vessel. But even if this suggestion had been made before the sentence was agreed to, Her Majesty's Judge could not have assented to the propriety of so doing, in opposition to the many difficulties which would have attended it, of time and expense, with the little probability of now obtaining sufficient evidence to warrant such a proceeding, when it could not be obtained before, besides the question of power to delegate the duty of taking evidence under such circumstances.

Her Majesty's Judge, in agreeing to this sentence of the Court, felt it his duty, in accordance with the practice of all Superior Courts, to respect the judgment which, upon full deliberation, had been passed in the last case, until corrected by a higher Tribunal; but, continuing of the same opinion as in the case of the "*Vencedora*," must submit to your Lordship the expediency of adopting some means of putting an end to this practice of bringing negroes from Africa to Porto Rico, and thence to this Island, under the protection, fraudulent, though now to be permitted, of Passports obtained in that place.

Her Majesty's Commissioner of Arbitration was also of opinion, that the attendance of Commander Nixon should have been imperatively required before the Court, which attendance, no doubt, would have been more satisfactory, as well as that of some of the crew of the "*Vigilante*." But in every case of search, the captor, undoubtedly, possesses a right of judging on his own responsibility, as to the propriety of detention; and if, in this case, Commander Nixon was satisfied, notwithstanding the suspicious circumstances he has mentioned, that no sufficient proof existed to ensure a conviction, Her Majesty's Judge considers him to have acted wisely, in not causing unnecessary irritation by further detention. Those suspicious circumstances, however, it should be observed, might be easily explained otherwise than as evidences of guilt, and little reliance can be placed on conversations, where none of the officers or crew of the "*Ringdove*" possessed any sufficient knowledge of the Spanish language.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 46.

Captor's Declaration in the Case of the "Vigilante."

I, HORATIO STOPFORD NIXON, Commander of Her Britannic Majesty's sloop "*Ringdove*," hereby declare, that on this 15th day of December, 1837, being in or about latitude 19° 50' north, and longitude 75° 47' west, I detained the brigantine named the "*Vigilante*," sailing under Spanish colours, armed with 1 long pivot-gun, commanded by Don José Ferrer, who declared her to be bound from Porto Rico to St. Jago de Cuba, with a crew consisting of 13 men and 3 passengers. The names of the crew, as appear by the Papers, are in a list at the foot hereof. On examining her 18 negroes were found concealed below, and there were 3 on deck not having any appearance of being of recent importation, all of whom are enumerated as follows, viz. :—

	Healthy.	Sickly.	Total.
Men	7	„	7
Women	2	„	2
Boys	4	3	7
Girls	3	2	5
			—
			21
Three not appearing of recent importation			3
			—
Leaves			18

I do further state she was very leaky, and, on being surveyed by two officers and carpenter of Her Majesty's ship under my command, was declared not seaworthy.

Given under my hand, on board H.M.S. "*Ringdove*," this 15th day of December, 1837, at Santiago de Cuba.

(Signed)

H. STOPFORD NIXON, *Commander*.

Second Enclosure in No. 46.

Commander Nixon to Her Majesty's Commissioners.

GENTLEMEN,

H.M.S. "Ringdove," December 16th, 1837.

I had to inform you that, yesterday, when running for Jamaica, I chased a brig and brigantine, which appeared to me suspicious. On nearing them, the brigantine made sail ahead of the brig, (to whom from aloft I could perceive she had spared all studding-sails, as well as fore-sail and try-sail.) About noon I closed with the brig, who showed the royal colours and pendant of the Spanish Navy; and, on my hailing, was informed she was the "Marte" brig-of-war. Having satisfied myself that she was so, I asked if the brigantine ahead was a vessel-of-war (from her having a pendant and royal colours flying); was answered she was a merchant-vessel from Porto Rico. I then made sail in chase. At 1st 20th spoke the brigantine, and told him I would send a boat on board; on doing which, and while Lieutenant Tarleton was examining her Papers, one of my men, who had gone below, found 18 bozal negroes stowed away in the main-hold, and there were 3 negroes on deck having no appearance of recent importation. On going on board myself, I found there were passports for the negroes from the Governor of Porto Rico, exactly like those of the "Vencedora," when I felt it my duty, in obedience to the 9th Article of the Treaty of September, 1817, and more particularly of the 7th Article of the Instructions for vessels-of-war in the said Treaty, to detain her. At this period the "Marte" came up, and hailed to say the brigantine was under his convoy, when I went and told the Captain, Don Juan Morales de los Rios, that, had I known that before, I would have requested him to accompany me, or Boarding-Officer, in visiting her, but that I now felt it my duty to detain her; when he requested I would take her into St. Jago, close off which from the length of chase was now were, and representing to me that she leaked very much, I assented, for reasons contained in a Letter from me to Commodore Sir John Peyton, an Extract of which I now enclose, as well as my Correspondence with Brigadier-General Don Tomas Gaston, Governor of St. Jago de Cuba. You will perceive that his Excellency has engaged to be answerable for the negroes, until decided on by your Honourable Court. I also enclose my Declaration, with seven Papers, as received on board the "Vigilante," and I have to remark on two of those Papers, viz. the Passport signed by Admiral Topete, that Don Juan Ferrer told me he had but recently bought the "Vigilante" before leaving Porto Rico, whereas Admiral Topete's Passport is signed in August, 1836; and in the passport for 18 negroes called Criados, from the Captain-General of Porto Rico, they are described as Don José Ferrer's criados, whereas, he assured me and Mr. Watson, the negroes were only passengers, and that he was paid for them as such. Having been detained a day by a most wanton attempt to assassinate one of my boat's crew, I would have written then, but was occupied entirely with the necessary legal proceedings against the assassin, whom we secured on the instant, in which, and everything relative to this atrocious affair, I received the most prompt assistance from the Spanish Guard, his Excellency the Governor, Don José Ferrer, and all the Authorities.

I have, &c.

(Signed)

H. STOPFORD NIXON, Commander.

Her Britannic Majesty's Commissioners,

&c. &c. &c.

Sub-Enclosure in No. 46.

Extract of Letter to Commodore Sir John Peyton.

"From the state the "Vigilante" was found to be in, I ordered a Lieutenant, Master, and Carpenter to survey her, and the Surgeon to examine and report to me the state of the negroes. On returning on board from paying my respects to the Governor, I received the reports of survey on the "Vigilante," and negroes, which I now enclose. Taking the unsafe state of the vessel into consideration, my want of means and authority to go to the necessary expense to make her seaworthy,—the loss of life that must take place among the negroes in attempting to send them round to Havana,—the impossibility of the "Ringdove's" accompanying her without going to Jamaica first, from my being short of provisions, and the period when I was to have returned to Port Royal expired;—taking the above circumstances into consideration, and feeling that the liberation of the negroes and the suppression of the Slave Trade are the humane and chief objects our Government have in view, I wrote a letter, of which I now enclose a copy, to the Governor, when, having received and answered several verbal communications at the British Consulate from the Governor, I received a letter from His Excellency authorizing a respectable merchant to receive and take care of the 18 Bozal negroes, His Excellency becoming answerable for them till the decision of the Mixed Court should be known."

Copy of a Report of Survey on the Spanish Brig "Vigilante."

Pursuant to an order from Horatio Stopford Nixon, Esq., Commander of Her Britannic Majesty's sloop "Ringdove," we whose names are hereunto subscribed have been on board the "Vigilante," and have held a strict and careful survey on the "Vigilante," and find as follows:—namely, she makes eight inches of water per hour, while laying at anchor in still water, and, from her apparent decayed state, it is probable she will make considerably more at sea. She is iron fastened, and the bolts in the walls are much worn. The rudder is very defective. Five timbers are said to be broken in the starboard after body, which we could not examine owing to the stowage of the cargo. To ascertain the leaks it will be necessary to heave her down and strip the copper off her bottom. The vessel appears very old, and we consider her quite unsafe to perform a voyage of any length, or to combat bad weather. And we further declare, that we have performed this service with such care and accuracy that we are willing, if required, to make a solemn declaration to the truth and impartiality of our proceedings.

Given under our hands, on board Her Majesty's sloop "Ringdove,"
this 16th day of December, 1837.

(Signed)

JOHN WALTER TARLETON, Lieutenant,
JOHN SHEPHERD, Master,
RICHARD HEANS, Carpenter,

H. M. S. "Ringdove."

Copy of Surgeon's Report on the Negroes on board "Vigilante."

Sir,

In compliance with your order of this day's date, I have carefully inspected the 21 negroes on board the "*Vigilante*," Spanish brigantine. They are all affected with a cutaneous disease, and a considerable proportion of them present a most miserable spectacle of emaciation; and in especial there are 5 children so much reduced in strength, apparently from visceral disease, that I am of opinion they could not survive a sea voyage of even a few days' duration.

I have, &c.

(Signed)

J. WATSON, Surgeon.

To H. S. Nixon, Esq., Commander H. M. S. "Ringdove."

The above are true extracts and copies of the original documents.

(Signed)

H. STOPFORD NIXON.

H. M. S. "Ringdove," Port Royal, Jamaica, December 21st, 1837.

Third Enclosure in No. 46.

List of the "Vigilante's" Papers.

I, Horatio Stopford Nixon, Commander of Her Britannic Majesty's sloop "Ringdove," have received from Don José Ferrer, Master of the brigantine "*Vigilante*," the following Papers in Spanish, viz:—

1. A Log, or small diary of the voyage.
2. The Royal Passport, signed by Admiral Topete at Havana, counter-signed by the Commandant of Marine at Porto Rico.
3. Muster-Roll.
4. License for 13 Negro Passengers.
5. License for 4 Negro Passengers.
6. License for 4 Negro Passengers.
- *10. Bill of Health.

(Signed)

H. STOPFORD NIXON, *Commander*.

Fourth Enclosure in No. 46.

(Translation.)

Sentence in the Case of the "Vigilante."

Havana, 19th January, 1838.

Having examined the Proceedings, amongst which are the Declaration or Report, dated the 15th December last, of Horatio Nixon, Esq., Commander of the English brig-of-war "Ringdove," in which he states having detained the Spanish merchant brig "*Vigilante*," Don José Ferrer, Master, in Latitude 19° 50' N. and Longitude 75° 45' W., on her passage from Porto Rico to Santiago de Cuba with a regular crew, and with passengers, on account of finding on board 18 negroes: the official communication of the Governor of the Province of Cuba, dated the 18th of the said month, which was forwarded to this Mixed Court by His Excellency the President, Governor and Captain General, in his official letter of the 7th instant, together with a copy of the correspondence which passed between the said Governor of Cuba and Commander Nixon, who offered to leave the negroes in the city of Cuba, under the guarantee of the Government and the security of Don Ramon Mayol, until the result of the trial, to which he acceded, notwithstanding that the detained vessel was on her way from one Spanish port to another, with Papers likewise Spanish, as evinced by the Royal sailing passport, the muster-roll, the bill of health, the passports for the negroes from the Superior Government of Puerto Rico, without any other evidence to prove that the vessel had been or was actually engaged in the prohibited trade in slaves; and seeing finally that the capturing Commander, up to the present time, has neither appeared himself nor sent any one of the officers of the "Ringdove" with instructions, according to the treaty of the 28th June, 1835, to show that the said negroes had been taken from the coast of Africa: moreover, taking into consideration the judgment in the case of the "*Vencedora*," which was likewise from Puerto Rico, as well as the results of the evidence on both sides, and more particularly the grounds of the opinion of the 17th instant, the Judges agreed: That they ought to declare, and do hereby declare, with all due regard to the merits of the case, and according to the usual brief and summary mode of proceeding in all such cases, on the truth being made manifest, the detention of the said brigantine "*Vigilante*," to be illegal, and in consequence that the Spanish Captain, Don José Ferrer be left at liberty to go with her and her cargo wheresoever it may suit him; that the Masters be allowed to take their slaves or dispose of them, the security given by Don Ramon Mayol being cancelled; this determination to be made known to whomsoever it may concern, and an official letter to be addressed to His Excellency the Captain-General with a copy thereof, in order that it be duly carried into effect. And by this their Decree, definitively judging, thus provided, ordered, and signed, His Excellency Don José Maria de Herrera, Conde de Fernandina, and James Kennedy, Esquire, the Spanish and British Judges of the Mixed Court of Justice, in the presence of the Secretary who certifies.

(Signed)

EL CONDE DE FERNANDINA.

J. KENNEDY,

(Signed) JUAN FRANCO CASCALES, *Secretary*.

* Numbered so in original.

No. 47.

Her Majesty's Commissioners to Viscount Palmerston.— (Received March 7.)

MY LORD,

Havana, 31st January, 1838.

Of the arrivals of slave-vessels during the past month, we are enabled to report to your Lordship the following, viz. :—

17th January,	Portuguese Schooner (name unknown.)	
19th	"	Josefina, Nieves, Master.
21st	"	Maria Segunda, Alburquerque.
26th	"	Brigantine Felicidade, Verriél.

The three following vessels are the whole that have cleared during the same period from this Port for the African coast, viz. :—

18th January,	Spanish Schooner	Negrita, for Isla del Principe.
19th	American	Gabriel, for ditto.
20th	Spanish	Ceres, for Cape de Verds.

We have, &c.

(Signed)

J. KENNEDY.

EDWARD W. H. SCHENLEY.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 48.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 19th March, 1838.

I HAVE to acquaint you, that the Lords Commissioners of the Admiralty have issued a circular to the Commanders in Chief on Foreign Stations, directing them to instruct the Captains and Commanders of Her Majesty's ships and vessels under their orders to discontinue the practice, according to which it appears that they claim a right, under section 8 of the Articles of War, of taking from vessels detained by them, under Treaties with Foreign Powers for the suppression of the Slave Trade, articles relating to navigation, which may be required for the use of the capturing vessel under their command.

I am, &c.

(Signed)

PALMERSTON.

Her Majesty's Commissioners,

&c.

&c.

&c.

No. 49.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 4th April, 1838.

I HEREWITH transmit to you, for your information, the accompanying copy of a Despatch, and of its Enclosure, from her Majesty's Envoy at Madrid, containing the answer of Count Ofalia to the complaints made against the conduct of Lieut. Cruz of the Spanish pilot-boat "*Teresita*;" and I also transmit to you the copy of a Despatch which I have subsequently addressed to Sir George Villiers, directing him to demand, that Lieut. Cruz shall be dismissed from the Spanish service.

I have, &c.

(Signed)

PALMERSTON.

Her Majesty's Commissioners,

&c.

&c.

&c.

Enclosures in No. 49.

*Sir G. Villiers to Viscount Palmerston, February 24th, 1838.**Viscount Palmerston to Sir George Villiers, March 22nd, 1838.*

(See Class B. of this Series, No. 15 and No. 20.)

No. 50.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 4th April, 1838.

I HEREWITH transmit to you the accompanying copy of a Despatch, and of its Enclosure, from Her Majesty's Envoy at Madrid, containing the answer of the Spanish Government to the complaint, that the Custom House Authorities at St. Jago de Cuba had permitted 120 pairs of leg-irons to be shipped on board the vessel "*Eliza*."

Her Majesty's Commissioners,
&c. &c. &c.

I have, &c.
 (Signed)

PALMERSTON.

Enclosure in No. 50.

Sir G. Villiers to Viscount Palmerston.

Madrid, March 3, 1838,

(See Class B. of this Series, No. 16.)

No. 51.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 28th April, 1838.

I HAVE received your Despatches of the 23rd of October and the 22nd of November, 1837, on the subject of the Spanish schooner "*Vencedora*," captured by Her Majesty's schooner "*Ringdove*," and taken to the Havana, and subsequently liberated under a sentence of the Court of which you are members.

That decision, the evidence on which it was grounded, and the opinion given individually on the case by the British Judge and by the Spanish Judge, have, together with the other Papers sent by you upon this case, been taken into consideration by the proper Law Officer of the Crown.

I have now to state to you, that Her Majesty's Commissary Judge has, in the opinion of the Law Adviser of the Crown, taken a correct view of this case; and, on the grounds stated by him, the Mixed Court of Justice ought to have pronounced upon the "*Vencedora*," a sentence of condemnation and not of release. I herewith transmit, for your information and guidance, the copy of a Despatch which, by Her Majesty's command, I have addressed to Her Majesty's Envoy at Madrid, directing him to make a representation on the subject to the Spanish Government, for the purpose of inducing it to send out, for the guidance of the Spanish Commissioners, in future cases of a nature similar to that of the "*Vencedora*," instructions in conformity with the intent of the Contracting Parties to the Treaty.

I have, &c.
 (Signed)

PALMERSTON.

Her Majesty's Commissioners,
&c. &c. &c.

Enclosure in No. 51.

Viscount Palmerston to Sir G. Villiers.

April 24, 1838.

(See Class B. of this Series, No. 26.)

RIO DE JANEIRO.

No. 52.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 13, 1838.)

MY LORD,

Rio de Janeiro, November 3rd, 1837.

THE Despatch, which we had the honour of addressing to your Lordship on the 19th of September, will have apprized you that, in consequence of a proposition by a Deputy for the province of San Paulo, the Project of the Marquis Barbacena for the abrogation of the Law 7th November, 1831, was referred to a Committee of Diplomacy, for an opinion, whether the Project in question might or not be considered as militating against the Convention of the 23rd November, 1826, between Great Britain and Brazil.

The Committee consisted of Senhor Antonio Maria de Moura, one of the Deputies for Minas Geraes; Senhor José de Arango Ribeiro, a Deputy for Rio Grande; and of Senhor Manuel Maria do Amaral, Deputy for Bahia.

Their opinions were given on the 30th September,—namely, that Senhor de Moura and Senhor Ribeiro considered the Project, as not opposed in any respect to the Treaty, while Senhor do Amaral considered the Treaty as “attacked” by the Project; and, further, that the Project is contrary to the real agricultural interest of Brazil.

The respective opinions have been printed by the Government press; and we have the honour to enclose two copies and a translation.

The dissentient Deputy characterizes the Project, as contrary to the spirit of the Treaty of 1826, which requires, not merely the reducing of the traffic in slaves on the coast of Africa, but its abolition within the empire of Brazil; while, in fact, the practical security, afforded to those accomplishing the importation, necessarily augments and extends the very same traffic.

The Legislative session closed on the 15th of October, without further proceedings in this business. The elections of Deputies for the ensuing session are completed, and the 22nd April next is fixed for the election of a new Regent, in the person either of the Regent *ad interim*, or of some other gentleman. And, on their meeting for business in May, it would be highly satisfactory, if the Executive and the two chambers would concur in some effective measure for putting down, at length, the great evil of the traffic in slaves.

The above-mentioned opinions of the Committee of Diplomacy and of Senhor do Amaral were published, without comment, in the “Jornal dos Debates” of the 21st October; and the publication has been repeated, in the “Jornal do Commercio” of this day, which latter paper has an extensive circulation here and in the provinces.

We have, &c.

(Signed)

ROBERT HESKETH,
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.

&c. &c. &c.

Enclosure in No. 52.

(Translation.)

(From Paper No. 199, “Topographia Nacional,” 1837.)

THE Committee of Diplomacy has had before it the requisition of the Deputy, Senhor Martin Francisco, that it should examine whether the project No. 133, received from the Senate, be or not in opposition to the Treaties with Great Britain; and, after having compared it with the same Treaties the Committee is of opinion that the project referred to is in no respect opposed to the same, and therefore, that it may still be discussed.

Palace of the Chamber of Deputies, the 30th September, 1837.

(Signed)

A. M. DE MOURA.
ARANJO RIBEIRO.
MANOEL MARIA DO AMARAL, Dissident.

Separate Vote.

THE Convention of the 23rd November, 1826, between our Government and that of Great Britain, prohibiting the traffic in slaves on the coast of Africa, is, in the opinion of the undersigned, attacked by the project of law, No. 133, received from the Senate. The spirit of the said Convention, the Treaties to which it refers, and the Law of the 7th November, 1831, prohibit that the traffic in slaves be carried on, in or out of Brazil, by Brazilian subjects: the project, while continuing to prohibit the traffic in Africans on the coast of Africa, protects that traffic within the empire: the project abrogates the law of the 7th November, 1831, as inadequate to put an end to the same traffic, and it therefore enacts other means, more efficacious, for the execution of the Convention in that respect, for as much as it affirms that the non-execution of the same law of the 7th November arises from there being a large portion of our population interested in such traffic, for the purpose of obtaining hands for the cultivation of the soil, and because many of our countrymen are already implicated in this contraband trade.

These are the reasons in support of the project of the Senate, which are said to be unconnected with the Treaties, and in favour of the adoption of the project. The object of the Convention being, not merely to reduce the traffic on the coast of Africa, but to abolish it by means of obstacles to that end, it is clear that laws allowing the trade to be carried on within the empire, in the public markets, and in the presence of the Authorities, are in violation of the basis of the said Convention, and contrary to the principle on which it is founded. It is in vain that heavy fines be imposed, and greater vigilance enjoined, to prevent the traffic, short of the importation into Brazil; which, if on the one hand it appear to be intended to diminish the traffic on the coast of Africa (even which is so far evidently contrary to what was stipulated by the high contracting parties), would, on the other hand, by giving every security to the merchant accomplishing the importation, necessarily augment and extend the very same traffic.

If Brazil, in order to augment or preserve her riches, cannot dispense with the continued importation of Africans, if this be demonstrated and useful to the country, which in the opinion of the undersigned it is not, the course to be followed would be, to require at once the revocation of the Convention itself, as vitally necessary for the preservation of the country, and also to abrogate the law of the 7th November, 1831, and not to endeavour, under specious pretences, to elude a Convention which ought to be maintained by all the powers of the State.

The non-execution of a law, so important as that of the 7th November, 1831, is attributable to negligence and protection, more than to any real want of the country, notwithstanding the inadequate measures taken in regard to colonization. If there were an administration resolved to execute the law in question, the undersigned is convinced that it (the law) would not be trodden down as it has been, and that such an Administration, taking the requisite precautions, would neither sacrifice the country, nor place it under the necessity of continuing the hideous commerce in Africans. This, no doubt, would be the principal object of a prudent Administration, desirous of promoting the material improvements of the country, and of supporting our institutions. The undersigned, not thinking it necessary to extend the development of this subject, concludes that the project of the Senate attacks the Convention of the 23rd November, 1826.

Palace of the Chamber of Deputies, 30th September, 1837.

(Signed)

MANOEL MARIA DO AMARAL.

(One of 13 Deputies for the Province of Bahia.)

No. 53.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 13, 1838.)

MY LORD,

Rio de Janeiro, 3rd November, 1837.

WE beg leave to enclose two copies of the "Jornal do Commercio" of this date, stating that, among the business brought before the Jury in this city on the 1st instant, was a charge, on behalf of the Crown, against the crew of the Portuguese schooner "*Josephina*," accused of the crime of trafficking in slaves, upon which the Jury found "matter of accusation," equivalent, we believe, to the finding of "a true bill" in England.

We shall not omit to report to your Lordship the result of the trial, which, we believe, is the first of the kind.

We have, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 54.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 31, 1838.)

MY LORD,

Rio de Janeiro, 11th November, 1837.

WE beg leave to inform your Lordship, that we have received, by Her Majesty's Packet "*Tyrian*," the five copies of Parliamentary Papers, relating to

the Slave Trade, which your Lordship did us the honour to address to us on the 15th July last.

We have, &c.
(Signed) ROBERT HESKETH.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 55.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 31, 1838.)

MY LORD,

Rio de Janeiro, 16th November, 1837.

WE have the honour to enclose a statement of the declared intercourse between this port and the coast of Africa, during the month of October last; the departures being 2 vessels, and the arrivals 4; all Portuguese. We regret to repeat our conviction, that all the vessels arriving, and detained for a time by the police, have previously landed slaves, and will be exempt from punishment.

It has been reported, that fewer vessels have, of late, proceeded to Africa, as the parties interested were in doubt, how far the new Portuguese Authorities on the coast would act upon the last Decrees of the Government of Portugal respecting the Slave Trade.

We have, &c.
(Signed) ROBERT HESKETH.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 55.

Departures from Rio de Janeiro for the Coast of Africa, during the Month of October, 1887.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	Number of Crew.	Where bound.	Reported Nature of Cargo.	Remarks.
Oct. 9	Barque.	Sencapor	J. M. Guilhermino . .	Portuguese	307	20	Angola	Brandy and Goods.	
" 27	Schooner .	Mariana	J. A. dos Santos . . .	"	99	13	Benguela	Goods and Oil.	

(Signed) ROBERT HESKETH.
FREDERICK GRIGG.

Second Enclosure in No. 55.

Arrivals at Rio de Janeiro from the Coast of Africa, during the Month of October, 1887.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	Number of Crew.	Where from.	Passage.	Reported Nature of Cargo.	Remarks.
Oct. 16	Brig. . .	Marquez de Pombal . .	J. A. de C. Continho	Portuguese	150	9	Angola	Days. 30	Ballast	Detained by Police.
" 19	Barque .	Acheronte	J. C. R. Lopes . . .	"	250	17	"	32	Wax, Ivory, and Oil.	"
" 21	Brigantine.	Jecny	A. J. Monteiro . . .	"	90	12	"	47	Ballast .	"
" 27	"	Flor do Rio	M. A. de Almeida . .	"	120	14	Zaire	31	"	"

(Signed) ROBERT HESKETH.
FREDERICK GRIGG.

No. 56.

(Extract.)

Her Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 31, 1838.)*Rio de Janeiro, 17th November, 1837.*

THE change in the Brazilian Government, which took place on the 19th September, has had this important consequence, in respect to the Slave Trade; that, while the late Government appeared to wish to put down the traffic, as matter of principle, and of compact with Great Britain, the present Government, as far as it is represented by Senhor Vasconcellos, Minister of Justice, and, provisionally, Minister for the Empire, has proclaimed the traffic to be indispensable to the country, has released those concerned who were under prosecution, and set at nought the engagement with Great Britain on this head.

It appears by a Despatch of the 21st October, from Senhor Vasconcellos to the Minister of Finance, that orders, issued on the 6th June, to the Police and to the Inspector of the Custom-house, strictly to examine vessels arriving from the Coast of Africa, had been revoked, previously to the 21st October, as well as other orders to the same Inspector, respecting 3 slave-vessels under embargo; and, at length, on the 27th October, the Minister of Finance, acting under the orders of Senhor Vasconcellos, as Minister, *ad interim*, for the Empire, transmitted a Copy of the Despatch of the 21st October to the Inspector of the Custom-house, for his Government.

As far as we know, the Documents in question were not promulgated before the 6th of the present month, when they appeared in the First Number of a Paper entitled "*O Regresso*," of which we have the honour to enclose 2 Copies, with a Translation of the Documents and of the Reflexions of the Editor.

Another Periodical notices the appearance of the "*Regresso*," and the importance of the Documents thus brought before the public, but without throwing any light on the quarter from which they were derived.

Enclosure in No. 56.

(Translation.) (From "*O Regresso*," Rio de Janeiro, 6th November, 1837.)*To the Inspector of the Custom-House.*

I SEND to the Inspector of the Custom-House, for his information and guidance, the Copy of the Note addressed to me by the Minister for the Empire on the 21st instant, in answer to my Note of the 28th September, accompanying the representation of the Inspector *ad interim*, of the 26th of the said month, in regard to the examinations and proceedings lately established with respect to the Ships which might arrive from the African ports.

Rio de Janeiro, 27th October, 1837.

(Signed)

MIGUEL CALMON DU PIN E ALMEIDA,

(Minister of Finance).

(Translation.)

Copy of the Note.

MOST ILLUSTRIOUS AND MOST EXCELLENT SIR,

THE Chief of the Police having received orders, that the examinations on board of ships entering this port from the Eastern Coast should be made, according to the mode followed prior to the latest Instructions contained in the Note of the 6th June last, I likewise communicate to your Excellency, in answer to the Note which you addressed to me on the 28th ultimo, that, in consequence, the interference of the "*Guarda Mor*" of the Custom-House has ceased in the examinations referred to, and as to the orders which had been addressed to the Inspector, *ad interim*, of the Custom-House, in respect to the embargo on three vessels, which are to be subject only to judicial act having emanated from the competent authority.

God preserve your Excellency.

Palace, 21st October, 1837.

(Signed)

BERNARDO PEREIRA DE VASCONCELLOS.

(A true Copy.)

(Signed)

JOAO MARIA JACOBINA.

To Senhor Miguel Calmon du Pin e Almeida.

(Translation.)

The preceding Despatch of the Most Excellent Minister of Justice revokes that of the 6th July* of the present year, by which his predecessor intended to impede the importation of Africans into the empire. It was by difficulties in the examination of vessels, arriving from the Coast of Africa, in ballast, that the ex-Minister thought that he should succeed in putting an end to the traffic. But who does not know that it was continued as heretofore? In fact, some owners of ships were harassed, and perhaps ruined, but their number was so inconsiderable, that it might be said to be a grain of sand in proportion to those heaps, made and dispersed by the wind, in the deserts of Arabia. Hence the injustice!

In a constitutional country what is meant by a Judge absolving a culprit, while the Government orders the consequences of the process to subsist? The Justices of the Peace would acquit all the vessels; their being Judges named by the people indicates that they represent the opinion of the country—wherefore, how is the Government to resist them?

Hence, Senhor Vasconcellos understood the true policy in this respect. His predecessor, Senhor Montezuma, allowed himself to be carried away by a few crack-brained brawlers, who have nothing to lose, and are of no use to the State, unless it be in absorbing its substance. The present Minister is a Statesman—the ex-Minister was a rank empiric, who came to complete the list of bad Ministers. What would Brazil gain by the absolute cessation of the traffic in slaves? Wanting hands for her agriculture, she expires, and what is left to us? Misery, and nothing else. If we had any other branch of industry—if our population were already on a par with our territorial riches, the policy of Senhor Montezuma might be excused. Yet it is not so, but the reverse. Our country has neither population, nor capital, nor industry. Everything is idleness, ignorance, and poverty, in the midst of the richest territory in the world. Pride, ridiculous presumption, and vanity beset us. In order to labour, and to obey, it is requisite to be a slave. It is only by slavery that there can be a public income, and therefore it is only by it that we can obtain peace and tranquillity.

The enlightened penetration of Senhor Vasconcellos saw and estimated the whole, and promptly decided. We, he said, are in want of slaves, therefore let their importation be facilitated, and henceforth let no one be persecuted. Any other person would have drawn the same consequence. The Noble Minister did still more: he proposed the revocation of the law of the 7th November, while yet a Deputy; his courageous spirit was not intimidated by English frowns. We know that the English Minister has already dared to address to the Imperial Government a very harsh Note on the revocation of the "Portaria" of the 6th June. The answer, we are sure, will not displease ("debagradará" printed in Italics) His Britannic Excellency; and, if he chose, he may go on. The Minister of Justice will know how to make him feel his position, and enter into the sphere of the respect due to the Brazilian Government. No Government need fear to lose by excess of energy. Let the Government be anything rather than weak and cowardly. Let it adopt a decided policy, form a party, and put itself at the head—let it not hesitate, but let it march firmly to its object. Every Government which halts, is ephemeral. The motto of the present Government is "O Regresso" (Old Principles). Therefore, let us retrace our steps, as well in our internal, as in our external, policy. Let us place the throne of Don Pedro II. as it was and ought to be. Let us examine the Treaties, and let whatever be good remain—let the rest be revoked and remain henceforth unfulfilled. Let the Ministry profit by the good opinion which it enjoys. All the Provinces are already aware of the existing incongruities in our political legislation; let everything be restored to its ancient state, and let that which experience recommends be retained, until our young Emperor come of age.

No. 57.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Jan. 31, 1838.)

MY LORD,

Rio de Janeiro, 20th November, 1837.

WE beg leave to inform your Lordship, that, about the 16th of last month, Senhor Saturnino de Souza e Oliveira, who was dismissed, under the late Regency, from the office of Inspector of the Custom-house, was re-appointed to the same office, apparently to the satisfaction of the commercial body.

Upon this occasion, your Lordship will, perhaps, allow us to refer to a Paper, marked A., accompanying the Commissioners' Despatch, of the 30th September, 1836, being a Translation from "O Correio Official," of the 18th July, 1836, of a Despatch of the 4th December, 1835, from Senhor Saturnino de Souza e Oliveira, as Inspector of the Custom-house, to the Minister of Finance.

In that communication, the Inspector strongly advocated the putting a stop to all direct commerce between Brazil and the Coast of Africa, as the best means of extinguishing, or, at least, reducing "the horrible trade in slaves," or, at the least, the positive prohibition of "Despachos" of goods for transshipment and re-exportation to the Portuguese Colonies and the Independent Ports of the Coast, and admitting the egress of goods for those parts only on payment of the duties of consumption.

You are aware, my Lord, that neither proposition was sanctioned by the Minister of Finance, or the Law-Officers of the Crown. But, under the present circumstances, we think it our duty again to submit the subject to your Lordship's consideration.

* Apparently an error of the press for the 6th of June.

We refrain from adverting to the eventual bearing of the opinions of Senhor Saturnino de Souza e Oliveira, in December, 1835, upon possible cases, such as that of the "*Especulador*," noticed in our Despatch of the 10th August last; being aware, that the question raised as to the duties on her cargo has been laid before your Lordship from another quarter.

(Signed)

We have, &c.

ROBERT HESKETH.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
 &c. &c. &c.

No. 58.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 13, 1838.)

MY LORD,

Rio de Janeiro, 4th December, 1837.

WE have the honour to enclose a Statement of the declared and now unrestricted intercourse, between this Port and the Coast of Africa, during the month of November last; the arrivals being 7 Portuguese vessels, and the departures 6 Portuguese and 1 Brazilian.

(Signed)

We have, &c.

ROBERT HESKETH.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.
 &c. &c. &c.

First Enclosure in No. 58.

Arrivals at Rio de Janeiro from the Coast of Africa, during the Month of November, 1837.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	No. of Crew.	Where from.	Passage.	Reported Nature of Cargo.	Remarks.
Nov. 3	Brigantine.	Terceira	J. J. Goncalves .	Portuguese	150	9	Angola & Ambris.	Days, 64	Ballast	In Quarantine, in consequence of the death of the Mate.
" 4	"	Deligente	L. J. Maria . . .	"	150	17	Angola	35	"	In Quarantine, 1 Seaman being short.
" 6	Brig	Antonio	J. F. Roga . . .	"	250	19	"	35	"	Detained by Police.
" 9	"	Novo Destino . .	C. da Silva (Mate)	"	200	17	Quilimane . . .	66	"	In Quarantine, the Master having died on the voyage.
" 24	Schooner . . .	Nympha	A. L. da Cunha .	"	90	15	Angola	38	"	Detained by Police.
" 30	"	Augerona	J. C. dos Santos .	"	120	11	"	37	"	In Quarantine.
" "	Brig	Dous de Fevereiro	J. B. Camanho .	"	160	18	"	36	"	Under Observation, 3 of the Crew missing.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

Second Enclosure in No. 58.

Departures from Rio de Janeiro for the Coast of Africa, during the Month of November, 1837.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	No. of Crew.	Where bound.	Reported Nature of Cargo.	Remarks.
Nov. 16	Brigantine .	Maria	J. A. Correa . .	Portuguese	121	18	Angola by Benguela .	Brandy and Goods.	
" 18	"	Pallas	L. J. Coelho . .	"	162	18	Cape Veras and Africa .	"	
" 24	Schooner .	Andorinha . .	B. A. V. de Souza .	"	127	15	Benguela	"	
" 26	Brig	Emilia	J. J. Ferreira . .	"	337	20	Bombay by Goa . . .	General.	
" 29	Brigantine .	Jane	J. F. de Mesquita .	"	163	21	Quilemane	Brandy and Goods.	
" 30	Brig	Marquez de Tombal .	J. P. de Araujo .	Brazilian .	138	17	Angola	"	

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

No. 59.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 13, 1838.)

MY LORD,

Rio de Janeiro, 4th December 1837.

DEEMING it our duty to lay before your Lordship whatever may shew the state of the public mind in this city, or, by possibility, affect it hereafter, in regard to the Slave Trade, we beg leave to enclose two copies of a pamphlet on that subject, recently published here under the title of an "Analytical Memoir on the Traffic in Slaves, and the Evils of Domestic Slavery."

Your Lordship will recollect, that, after the abdication of Don Pedro, a society styling itself, "Defensora da Liberdade e Independencia Nacional," was the principal auxiliary of the new government, and that it offered a premium for the best essay on the means of abolishing the traffic, and of substituting free for slave labour.

The pamphlet in question professes to have been written in consequence, but not to have been completed till after the voluntary and tacit dissolution of the Society; so that, instead of obtaining the expected patronage of a very influential body, the pamphlet now appears under adverse circumstances, and can have a good effect only prospectively.

It remains, however, to be seen, whether those members of the late Legislature, who, as such, expressed their hostility to the Slave Trade, are not availing themselves of this opportunity of diffusing their opinions on the subject.

We have, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

No. 60.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 13, 1838.)

MY LORD,

Rio de Janeiro, 18th December, 1837.

WE hope, that your Lordship will permit us to address you on the subject, which, though beyond the immediate charge of the Mixed Commission, has a practical bearing upon its ultimate object.

On the 13th of last month, a French bark, called "*La Justine*," M. Lucas, master, arrived here, in 65 days, from Havre de Grace, in ballast, with 238 German settlers, bound for New Holland.

Soon afterwards, a society in this city, established in March 1836, under the title of "Sociedade Promotora de Colonisacao do Rio de Janeiro," having for object the Location of European Emigrants in the Interior, and their employment, generally, as labourers in Brazil, commenced proceedings to alter the destination of the emigrants on board of the "*Justine*," who had been especially selected for good character, and succeeded in accomplishing their landing here, on payment of a sum to the master of the vessel, as an equivalent for the expense of their transport thus far.

This transaction, and the general proceedings of the society, from its instalment to the close of March 1837, as detailed in a printed report, evince its activity and good management, and also, that its exertions are steadily directed towards the introduction of free labourers into this country, on an extensive plan, hitherto successful.

We think it probable, that the Negotiation for the landing of the party by the "*Justine*" was approved of by the Government; and it is most satisfactory, that, as the practicability of introducing free labour into Brazil, is demonstrated, the party who so perseveringly support and encourage the flagitious importation of African Slaves, on the plea of the want of other hands and of necessity, will be deprived of that argument, while the Landed Proprietors themselves will, we trust, avail themselves progressively, of the means of obtaining other, better, and, in the end, cheaper labourers.

We have, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

No. 61.

Her Majesty's Commissioners to Viscount Palmerston.—(Received Feb. 13, 1838.)

MY LORD,

Rio de Janeiro, 22nd December, 1837.

WE beg leave to enclose two copies of the "Correio Official Nictheroyense" of the 28th November, with a translation of an address, 17th November, from the Legislative Assembly of the Province of Rio de Janeiro, to the General Legislative Assembly of the Empire, praying the abrogation of the law of the 7th November, 1831, against the traffic in slaves.

The official and strenuous character of this Representation, evidently shews, that, on the meeting of the General Legislative Assembly in May 1838, every exertion will be made to repeal the law in question,—the only remaining support to the Treaties, concluded with this country with the humane object of the abolition of the traffic.

The document above-mentioned was republished in "O Jornal do Commercio," of the 21st instant, without comment.

We have, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.*The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

Enclosure in No. 61.

(Translation.)

Representation of the Provincial Legislative Assembly of Rio de Janeiro, in regard to the Traffic in Slaves..

AUGUST AND MOST WORTHY REPRESENTATIVES OF THE NATION,

THE Legislative Assembly of the Province of Rio de Janeiro, taking into due consideration the representations of several Municipal Chambers of the same Province, and acting upon the right, or rather complying with the obligation laid upon it by the 9th Article of the Additional Act, represents to the General Legislative Assembly, the urgent necessity of the early abrogation of the Law of the 7th November, 1831.

That Law, though dictated by commendable sentiments of humanity, far from producing those salutary effects which were aimed at, has caused irreparable evils, which are felt on every side, and is preparing an abyss of still greater, the terrible consequences of which, very easy to be foreseen, may be fatal, if Divine Providence shall not deign to continue its protection to Brazil.

The importation of Africans has neither been impeded nor diminished by the law in question: on the contrary, the traffic has been, and is, continued with impunity, and the zealous efforts of the public authority have not been able, either to prevent the importation, or to punish the infractors of the law!

This general non-observance of the Law of the 7th November is neither extraordinary, nor a solitary instance in the history of legislation; it is rather to be considered as a common occurrence, for its cause lies in the natural, necessary, and irresistible order of things.

The interest, the habits, and the ideas of many ages have impressed upon the greater number of the inhabitants of the country, that it is impossible to do without slave labour; and at least the agricultural class, the largest and the most important, feels its practical necessity. And if it be an acknowledged truth that this is the idea of the majority of the population, one cannot but acknowledge, that nothing is so common in the natural order of human affairs as the desire to acquire slave labour, in spite of every risk, inasmuch as the motive to procure the means of obtaining a profitable and more secure subsistence, is unquestionably graven by nature on the heart of man; and such and so weighty being the circumstances, nothing is so natural as the disinclination, the lukewarmness, and the neglect of all those who are charged with executing a law such as that of the 7th November, against which the rising opinion of the country has been so openly expressed; and the more so when we observe, that so numerous are the infractors, that it would be impossible to effect their punishment without the risk of occasioning a deplorable and general calamity.

Nor let it be said that the majority, thinking thus, are in error, and that their real interest requires the termination of slave labour; for, granting that it be so, still the Law of the 7th November could not be maintained; it being a fixed ("exacto") principle in legislative science, that the errors or the prejudices of nations, rendered inveterate by habits of long standing, should be attacked not by direct, but by indirect means, tending to enlighten the people, and to turn them insensibly from those errors or prejudices, which it were advisable to eradicate, and particularly when they are bound up with the great interests of the people, even though they be more plausible than real. And this principle applies exactly to the Law of the 7th November.

These considerations are corroborated by another principle, admitting of no exception. No criminal prohibitive laws should be enacted, the inobservance of which will probably apply to so great a number of transgressors, that their punishment must be impracticable; the necessary result of such laws is impunity, which adds to the number of the culpable; and there is nothing so immoral as a society which is in the habit of violating the law with impunity. And if it be a lamentable fact, which however cannot be disguised, that so many are the transgressors of the Law of the 7th November, that their punishment is absolutely impossible, particularly as there is every reason to expect that their number extends and augments from day to day, how can one acquiesce in preserving the same law, without committing the serious political fault of occasioning, and even promoting, the demoralization of the country, with all its unavoidable consequences.

Finally, if we look forward to a period of dangerous reaction, when there may be a force sufficient

to cause the Law of the 7th November to be executed, what heart, really Brazilian, will, with tiger cruelty, fail to shed tears of blood on the scene of horrors threatened by so frightful a conjuncture, and on the extreme sufferings of thousands of valuable citizens condemned to end in dire imprisonment the remainder of those laborious days, spent in procuring abundant wealth, with which their country, thus punishing their errors, had been nourished, had grown great and prosperous—innumerable unoffending families ruined—the fields without labourers—districts in desolation.

For all these reasons, and for others passed over, more proper to be felt than expressed, the Legislative Assembly of the Province of Rio de Janeiro hopes, that the August and Most Worthy Representatives of the Nation will be pleased graciously to receive the present representation, as matter of necessity and of claim by all Brazil, and especially by the Province of Rio de Janeiro.

Palace of the Legislative Assembly of Rio de Janeiro, 17th November, 1837.

(Signed)

J. CLEMENTE PEREIRA.
J. J. VAN VICIVA.
J. C. MONTEIRO.

No. 62.

Her Majesty's Commissioners to Viscount Palmerston.—(Rec. March 6, 1838.)

MY LORD,

Rio de Janeiro, 28th December, 1837.

CONSIDERING the efforts, which are being made by the Minister of Justice and Acting Minister for the Empire, apparently with the sanction of the Regent, *ad interim*, and of the other Members of the Government, to abrogate the Law of the 7th of November, 1831, and to revert to the open and unlimited importation of African slaves, we hope to be allowed to lay before your Lordship the enclosed additional Papers on the subject:—

“O Jornal do Commercio” of this date, containing an Extract from a Number, 11th May, of the “Carapuceiro,” a respectable and intelligent Paper, published at Pernambuco.

A Translation of a Passage on the Slave Trade.

We rejoice, that such just and forcible arguments, on national grounds, against the traffic, have been reproduced in the Capital of the Empire; and we would fain hope, that in the ensuing Legislative Session, means will be found at once to withstand the endeavours to repeal the Law of the 7th November, and to maintain the engagements of Brazil to England on this subject.

We have, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 62.

Extract from O Jornal do Commercio of December 28, 1837.

(Translation.)

THERE is no doubt that our Brazil commenced with many vicious principles, and has always been terribly mismanaged. Slavery, thus introduced, became a hot-bed of immorality, which, for many years, will turn the mass of our population head-strong and corrupt, as if the Supreme, outraged in this (the African) portion of His creation, be permitting such evils, as a punishment for our injustice and want of humanity. It appears that our Independence being once proclaimed, and the principles of a Government founded on the imprescriptible Rights of Man, recognised as holy, we, Brazilians, should be horrified at the sight of the captivity of so considerable a portion of our fellow-creatures; and, if we should find it impracticable at once to set them at liberty, that we should, at least, aim at manumitting them slowly and progressively, abstaining absolutely from the importation of those miserable victims of our unpardonable cupidity. But the result has been, in every respect, the reverse. Though we had but just ceased to be colonists, we aimed at leaping over the whole process of civilization, at ranking with the nations most advanced in the enjoyment of liberty, yet keeping up, at the same time, the miserable system of slavery, and pursuing the same iniquitous and horrible traffic in human flesh. Thus we have, in the midst of us, a frightful number of slaves, in spite of civil law—in spite of reason—in spite of the stings of religious conscience—thus perpetuating one of the most prolific sources of immorality, and constraining our country to retrograde. And yet, we shall be found boasting of our social progress! What social progress is that, which impels us to disregard every principle of reason and of justice, and to sacrifice our real and lasting interest to the sordid lucre of a few days?

No. 63.

Her Majesty's Commissioners to Viscount Palmerston.—(Rec. March 6, 1838.)

MY LORD,

Rio de Janeiro, 31st December, 1837.

WE have the honour to enclose a statement of the Intercourse between this Port and the Coast of Africa, from the 1st instant to this date inclusive; the departures being 4 vessels, and the arrivals as many as 14, all Portuguese.

It is very probable, that this increased activity is mainly attributable to the present policy of the Brazilian Government in respect to the traffic.

We have, &c.

(Signed)

ROBERT HESKETH.
FREDERICK GRIGG.*The Right Hon Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

First Enclosure in No. 63.

Arrivals at Rio de Janeiro, from the Coast of Africa, during the Month of December, 1837.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	Number of Crew.	Where from.	Passage.	Reported Nature of Cargo.	Remarks.
Dec. 1	Smack	Troça de Junbo	J. da Lomba	Portuguese	113	13	Benguela	days, 36	Wax, Ivory, and Oil	Under observation, one seaman having died on the passage.
" 4	"	Henriqueia	J. A. da Cavalho	"	70	10	Cape Lobo	35	Ballast.	This vessel reports, that she was on her voyage to Angola when she was boarded by a Spanish piratical brigantine, which plundered her of her cargo, and proceeded, in company with this smack, to Cape Lobo, where the brigantine bought negroes with the plundered cargo; and, after conducting the smack to a certain point, allowed her to proceed where she thought proper.
" 5	Barque	Quatro de Marco	J. J. do Rego	"	245	14	Quilimane	62	Ballast.	In quarantine, in consequence of the death of one seaman.
" 7	Brig	Sardade	A. Pereira	"	350	19	Mosambique.	64	"	Detained by Police.
" 10	Brigantine	Rebeuro	V. J. Bille	"	150	14	Angola	42	Wax and Oil	"
" 10	Smack	Virtude	A. de S. Neves	"	129	14	"	38	Ballast, Oil, and Wax	Under observation.
" 10	Brigantine	Liberal	M. P. de Hora	"	134	13	"	32	Wax, Oil, and Mats	"
" 10	Brig	Lustano	A. A. Lima	"	220	17	Mosambique.	32	Ballast	Detained by Police.
" 15	Brigantine	Esperanca	J. F. Salgueiro	"	120	18	Angola	33	"	"
" 16	"	Dous de Abril	A. J. de Souza (Mate)	"	120	8	"	29	Oil, Wax, and Mats	In quarantine, in consequence of the death of the master and five seamen.
" 17	Brig	Triumphante	J. P. de O. Bastos	"	215	17	Mosambique	73	Ballast.	Detained by Police.
" 26	"	Triumpho da Inveja	M. J. Brandao	"	180	18	Quilimane	53	"	In quarantine, in consequence of the death of the Mate.
" 29	"	Maria Segunda	B. D. Pereira	"	185	11	Angola	39	"	Detained by Police.
" 31	Barque	Viloz	F. F. da Silveira	"	250	15	"	43	"	In quarantine, the Mate having died.

(Signed)

ROBERT HESKETH.
FRED. GRIGG.

Second Enclosure in No. 63.

Departures from Rio de Janeiro, for the Coast of Africa, during the Month of December, 1837.

Date.	Description.	Name of Vessel.	Name of Master.	Nation.	Tonnage.	Number of Crew.	Where bound.	Reported Nature of Cargo.	Remarks.
Dec. 13	Brigantine	Lealidade	J. de G. F. Guimarães	Portuguese	92	18	Cape Veras, via African Ports	Brandy and Goods.	
" 21	Barque	Commodore.	J. de O. Costa	"	221	20	Goa, via Africa	General	
" 27	Brig	Brilhante	A. C. da Silva	"	120	16	Quelimane	Brandy and Goods	
" 31	Ship	Nova Friburgo	G. Moniz	"	350	26	Lisbon, via Angola and Benquela	"	

(Signed)

ROBERT HESKETH.
FRED. GRIGG.

No. 64.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 19th March, 1838.

I HAVE to acquaint you that the Lords Commissioners of the Admiralty have issued a Circular to the Commanders in Chief on foreign stations, directing them to instruct the Captains and Commanders of Her Majesty's ships and vessels under their order, to discontinue the practice, as which it appears that they claim a right, under section 8 of the Articles of War, of taking from vessels detained by them under Treaties with Foreign Powers, for the suppression of the Slave Trade, articles relating to navigation, which may be required for the use of the capturing vessel under their command.

I am, &c.

(Signed)

PALMERSTON.

Her Majesty's Commissioners,

&c. &c. &c.

No. 65.

Her Majesty's Commissioners to Viscount Palmerston.—(Received March 19.)

MY LORD,

Rio de Janeiro, 5th January 1838.

IN pursuance of the 75th clause of the Act passed in the 5th year of the reign of His late Majesty George IV., entitled "An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade," we beg leave to report to your Lordships, that no vessel has been brought into this Port, for adjudication by the Mixed British and Brazilian Court of Commission, established in this city, between the 5th July, 1837, and the present date.

We have, &c.

(Signed)

GEORGE JACKSON.

FREDERICK GRIGG.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 66.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 18th April, 1838.

I HEREWITH transmit to you the copy of a Letter, and of its Enclosure, which have been received at this office from the Colonial Department, containing a communication from Dr. William Cullen, representing the conduct of the Government of Brazil in respect to the Slave Trade.

I beg to draw your attention to the statement of the delays, which occur in the adjudication of slave-vessels, in the Court of Mixed Commission of which you are members.

You will bear in mind, that in your Commission, and in the Conventions with Portugal, confirmed by the Convention with Brazil, under which documents the power is given to you of adjudicating slave-vessels, you are enjoined to conform to those Conventions, to their several annexes, and to the Acts of Parliament which have been passed to carry those Conventions and their annexes into effect.

Those Conventions, together with the Legislative Enactments, which have been passed with regard to them, supersede the previous laws both of Great Britain and Brazil, on those matters which belong to the execution of those Conventions.

The legality of the proceedings of the Mixed Commission does not, therefore, properly depend upon the conformity of such proceedings with the general laws of Brazil; but properly upon their conformity with the Conventions under which your powers are given.

The regulation for the Mixed Commission attached to the Convention of 1817, a paper drawn up specially for the guidance of the Judges and Arbitrators composing the Mixed Courts of Justice established under the Convention, prescribes in the third paragraph of its first article, that the Commissioners shall give sentence as summarily as possible, and they are required to decide (as far as they shall find

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it practicable) within the space of 20 days, to be dated from the day in which the detained vessel shall have been brought into the Port where the Commission shall reside.

It appears from your own Despatches, that this stipulation has not been complied with.

The reason given by you is the intervention of holidays, which are sanctioned by Brazilian custom; and the practice of Embargoes, which is sanctioned by the Brazilian law.

In both of these instances, however, a delay is produced inconsistent with the intent of the Conventions, highly prejudicial to the interests of the captor and of the captured, and extremely injurious to the unfortunate negroes, whose release is one of the main objects of the Treaty.

By the practice of Embargoes an opportunity is, moreover, expressly allowed for a revisal of the Sentence, and a principle is thereby admitted, in direct contravention of the regulation above quoted, the words of which are, that the "Commissioners shall judge *without appeal*."

I am glad to hear, that the Brazilian Government admits the justice of the complaints made against the practice of Embargoes. But the mere fact which has been stated, of an intention of that Government to propose to the Legislative Body in Brazil an alteration of the law in this respect, must not induce you to acquiesce in permitting the practice to continue, until such alteration shall have been made; because the practice might, in such case, be continued for an indefinite time.

With respect to the numerous holidays, which delay the business of the Mixed Commission, I must likewise warn you against permitting this departure from the stipulations of the Treaty.

I send you the extract of a Letter from the Commissioners at the Havana, showing that in Cuba the observance of holidays has been waived, in consideration of the intent of the Treaty.

I desire, that you will urge your Brazilian colleagues to join with you in some formal act, which shall legalize the proceedings of the Court on such days, whenever they occur.

Her Majesty's Commissioners,
&c. &c. &c.

Signed)

I am, &c.

PALMERSTON.

Enclosure in No. 66.

Mr. Stephen to Mr. Backhouse.

SIR,

Downing Street, March 16, 1838.

I AM directed by Lord Glenelg to transmit to you herewith, for the information of Viscount Palmerston, the Copy of a Letter dated the 28th ultimo, from Dr. Cullen, a physician, who, it appears, has resided for some years at Rio de Janeiro, representing the conduct of the Brazilian Government, in respect to the liberated Africans captured in slave vessels, and the inefficiency of the Mixed Commission Court at Rio de Janeiro.

Lord Glenelg recommends this communication to the special attention of Lord Palmerston.

T. Backhouse, Esq.
&c. &c. &c.

I have, &c.,
(Signed)

JAMES STEPHEN.

Sub-Enclosure in No. 66.

Dr. Cullen to Lord Glenelg.

MY LORD,

Elie Fife, D. February 28, 1838.

IN reading the report of your Lordship's speech in the debate on slavery and the slave trade in the House of Lords on the 20th current, I could not help admiring the enlightened views taken by your Lordship on that important subject. However, there is one point upon which I beg to offer a few remarks, to which I am led by facts and circumstances, which came under my own observation, while resident as a Physician in Rio de Janeiro. Your Lordship mentioned, that Brasil had long resisted the abolition of the Slave Trade, and that still you feared the Chambers would not give their consent to a more complete Treaty, now in progress between this country and her. Your Lordship also stated difficulties in the way with Portugal. In another place it is observed by your Lordship "that the great object which this country had to look to, towards the fulfilment of their humane decrees on this subject, was to obtain effectual powers of execution, and to stimulate the moral sense of surrounding communities in favour of the abolition of this hateful traffic." From what little I know of the character of the Portuguese and Brazilians (after five years experience) I am afraid that the moral sense is a quality which they do not understand, therefore it will be impossible to stimulate a sense that has no existence.

As far as I recollect (a considerable portion of my notes on this subject are left at my residence in Edinburgh) there was a Treaty entered into between this country and Brazil in 1830 or 1831, for

the total abolition of the Slave Trade. It is quite common in Rio de Janeiro to hear all classes declaiming, particularly before strangers, against the disgraceful traffic, as they call it, at the same time it is perfectly well known, that there is not a man amongst them who will not smuggle Africans into the country whenever an opportunity offers. It is calculated, that in the province of Rio de Janeiro alone, since the Brazil Government prohibited the introduction of new Africans, there have not been less imported annually than from twenty to twenty-five thousand. It is said that even the Ministers of State are engaged in this illegal traffic, which has become extremely profitable since the prohibition. They consider that for once they may be taken they have twelve or fifteen chances to escape; and when a vessel happens to be seized, every subterfuge is resorted to, that can be devised to exculpate those individuals actually taken in the offence. But the worst part of the matter is, that not one of the Africans is even set at liberty. From the chicanery and perfidy of the Brazilian government, and the total want of efficiency on the part of the Mixed Commission, the condition of the Africans that are seized, is rendered a thousand times worse than if they had been allowed to remain in the hands of the smugglers. The smugglers would have sold them to persons who, generally speaking, would take care of them upon the same principle that domestic animals are cared for; whereas, from the indecision and negligence of the Mixed Commission, they are detained, unwholesomely crunched together, till their numbers are reduced by sickness, and the remainder are apprenticed for fourteen years, which ends in perpetual slavery. The individuals who obtain these apprentices are solely persons who have interest with the parties who hire them out, and it is an understood thing, that after a year or two not one of the Africans are ever heard of, one half-year's hire is paid down when the apprentice is hired, and the party enters into an obligation to produce him when called upon by the *Guis dos Enfans*, who is as great a rascal as any of the others; but the consequence of all this is, that the contracting party brings proof that his apprentice has run off, or that he is dead. This commonly takes place before the termination of the first year. A usual trick to which they resort is to produce a dead slave either from the Hospital or from the *Misericordia*, or from some of their friends who may have one that has died. A kind of inquest is held, and the apprentice is pronounced to have died a natural death. At other times they come before the judge with witnesses to prove that the apprentice has run off, as they have no lack of witnesses, who will swear anything for a few patacs. But as the Judges, Justices of Peace, Clerks, &c. are all in collusion to defeat the purposes for which the Mixed Commission has been appointed, and as the Members of it at Rio de Janeiro are certainly neglectful of their duty, it is as clear as the sun at noon day, that the said Commission is no better than a dead letter, it has never rescued one African from slavery. In proof of this assertion I shall state facts, which shew that the ill-timed and ineffectual interference of the Mixed Commission, instead of alleviating the sufferings of the poor Africans, has been productive of nothing but misery and death.

About the beginning of 1834 a small schooner (I think the name was the "*Duqueza de Braganza*") was captured by one of Her Britannic Majesty's cruisers, and brought into Rio de Janeiro, having on board between three and four hundred Africans, mostly children; these poor creatures had suffered much from their long confinement in such a small vessel, and it is believed a great many had died on the passage: by the humanity of the late Admiral Sir Michael Seymour, commanding Her Britannic Majesty's squadron on the station, they were taken on shore and properly cared for, otherwise the mortality amongst them after landing must have been greater than it was. The Mixed Commission delayed giving judgment in the matter till the end of June, when they condemned the schooner, and adjudged the Africans to be free. But what was the destination of these free Africans? They were reduced by deaths to 288, all of whom were sent to the house of correction to work for the Brazilian Government. I called at this house of correction eight days after their arrival there, when 7 more had died, and there were then 35 sick, confined in a small room, laying on the floor, without bed or covering of any kind, with their heads to the wall, and their feet towards the centre, leaving a narrow passage between the rows. A young Brazilian, calling himself a Surgeon, was paying them his daily visit at the time I called. This young man's medical education, as I learned from himself, consisted in the having attended the Hospital of the *Misericordia*, for a few months, where he saw the practice of the Brazilian doctors. I offered my advice to his patients, but he was too conceited to accept of any assistance from me. The same day I saw about one hundred of these children in an apartment on the ground floor, sitting all round on their heels, after the fashion of the country, and looking most miserable. I was glad to get away from the degrading sight, where human beings were treated much worse than dogs, and all this under the cloak of humanity. On the November following I again visited the house of correction, and learned that out of the 288 sent there in June 1837 had died; and a great many more were sick. The Brazilian Government at this time advertised to hire out the survivors on apprenticeships for fourteen years. Several gentlemen, both English and French, immediately applied, and were most desirous to obtain, some one, and others two or more of these apprentices. Although numerous applications were made on the very day the advertisement appeared in the *Diario*, not one was served but the parties themselves who had the hiring of them, and their immediate friends. The only Englishmen who obtained any were those belonging to the Mixed Commission. All the others were given to Brazilian and Portuguese.

A short time before this last seizure, there was a vessel ("*Dona Maria da Gloria*") brought into the Port of Rio de Janeiro by a British cruiser, having on board about 400 Africans. The Mixed Commission declared them free. This Captain was despatched from Rio de Janeiro in January, 1834, for the Coast of Africa. However, the Mixed Commission Court at Sierra Leone reversed the decision of the Commissioners at Rio de Janeiro; the negroes were declared slaves, and the vessel was ordered to return. Some months after this they were met by a Brazilian ship-of-war near Bahia in distress, and their numbers reduced to 170. As nothing more was heard of them, it was believed that they had been landed at some place on the Coast of Brazil, convenient for smuggling them into the interior.

About the months of October or November, 1834, a British ship-of-war brought into the Port of Rio de Janeiro a slaver, with about 400 Africans, who were landed by order of the Mixed Commission, and a guard, judged to be sufficient, placed over them. A few nights after they were put on shore, the guard was surprised in the middle of the night by a band of fellows, pretending to be justices of the peace, rigged out with ribbons, cocked-hats, &c., who carried off 200 of Africans, and next day no traces of them could be found. Those that remained were taken to the House of Correction, and disposed of in the Brazilian fashion.

I remember an occurrence, and although I have no note of the date of it here, yet it is, perhaps, worth mentioning. There were 30 negroes, more or less, conducted by a white man for the Praga

Ibamingo, a short way from the city, where they had been landed in the dusk of the evening, who were apprehended by some tide-waiters, they considering them to be new blacks, which upon examination they actually found them to be. They likewise discovered them to bear the mark of his Excellency Senhor Lima the Regent, on their backs. After giving information of the seizure to the Justice of the Peace for the district where they were seized, the negroes, as well as the white men, were ordered by him to be put into a house of deposit, and the keys thereof to be lodged with himself, the said Justice of the Peace, till the following morning, when an examination should take place. All this was performed according to orders, and the Chief of Police acquainted therewith that same evening. Next day the competent Judges assembled for the purpose of examining the captured; directions were given to call them in before the Tribunal, but behold! where were they? The messenger arrives and exclaims, "Senhores, Senhores, a caya de deposito esta vazia e as portas afei mesma fechadas a chava." (The place of deposit is empty, and the doors locked.) The white prisoner and captured Africans had been let out by order of the Chief of Police, because the Africans belonged to the Regent. Nothing more was heard of them.

In addition to the above cases, the Brazilian cruizers have frequently fallen in with slaves off the coast; but, as the mariners of Brazil are more polite and accessible to bribery than British sailors, they always allow them to escape. It is amazing to hear the result of trials of Court Martials of Brazilian Officers, accused of favouring this contraband traffic. If one of those gentlemen is accused of any crime, he is tried by a Court composed of Officers of the same rank with himself: thus, a Captain is tried by a number of his brother Captains; a Lieutenant by Lieutenants, &c. I remember a conversation I had with a Lieutenant who had just left a Court Martial, where a brother Officer of his had been tried, for allowing a cargo of Africans to be landed within view, and almost within hail of his own ship. He had been lying very near the slaver, and his defence was, that the slaver had landed the negroes from the off-side of their ship, and therefore he could not perceive what they were taking on shore. On questioning this Member of the Court whether, from the position of the two ships, he believed the party accused could see what was landed, his reply was "no;" but, in a parenthesis and aside, he added, "if he was not looking." The accused party was honourably acquitted. In fact, the Brazilian Government do not wish to suppress the introduction of slaves, provided they can be smuggled into the country so as to deceive other nations, more especially if they themselves are the gainers by the illegal traffic.

From the slow and imperfect consideration of the Mixed Commission Court, reflections were thrown out against the late Sir Michael Seymour, about the capture of slavers and the expenses connected therewith if not considered a good prize, so that when Admiral Hammoud came out he adopted a wiser plan to keep himself clear of difficulties. His plan was to give no determined instructions to the Commanders of vessels-of-war, looking for slavers along the coast, further than that they were not to take them, unless they were sure they had contraband slaves on board. Very few have been taken since.

Added to the above details, there are numerous instances of negroes belonging to private individuals in the City of Rio de Janeiro being seized, on suspicion of having been imported, subsequent to the abolition of the Slave Trade; and if the Owners are poor, or are foreigners, particularly British, or citizens of the United States of America, they have no chance whatever of obtaining redress, even although their slaves have been taken without any grounds for believing that they were newly imported. I could mention instances of persecution, exercised upon subjects of Her Britannic Majesty, that would scarcely be credited.

From the facts which I have stated, your Lordship will perceive that the plan at present pursued for carrying into effect the Abolition of the Slave Trade on the Coast of Brazil is of no use. I will not presume to say what ought to be done to remedy the evils of the present system; but this much I cannot but observe, that a faithless Government, like that of Brazil, in my opinion, should not be treated with any ceremony. I should likewise suppose the Government of Portugal to be as little deserving of respect.

In conclusion, allow me to remark, with due deference to your Lordship's opinion, that it might be a wise maxim in the negotiations of the different Governments on this subject, that all slaves seized as contraband shall be carried out of the country where slavery is permitted, whether they may have been taken by the ships of those countries or not. If they are taken to countries where slavery does not exist, they cannot be brought to that debasing condition; but there is no check that can be devised, which will prevent them from being reduced to the state of servitude in slave countries.

If it is in my power to give your Lordship any further information in this matter, it will afford me much pleasure to do so; and if I thought the views that I have for abolishing the Slave Trade for ever, and thereby increasing the happiness of the African people, would be listened to by your Lordship, my humble opinion will be given with delight.

Lord Glenelg,
&c. &c.

I have, &c.
(Signed) WILLIAM CULLEN, M.D.

Second Enclosure in No. 66.

Extract from Despatch from Mr. M'Leay to the Earl of Aberdeen, dated Havana, April 25, 1829.

"I FEEL myself again called upon to express to your Lordship my sentiments on the conduct of my Spanish colleagues and the Secretary of the Commission, and on the anxiety they always show to obviate difficulties and expedite the public business. Although, according to the customs of this country, all official business is at a stop during Holy Week, this did not prevent them, after a *providencia* to the proper effect giving the acts of the Court validity, from examining witnesses and issuing the sentence."

No. 67.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 30th April, 1838.

I HAVE had under my consideration Communications, which I have recently received from various quarters, showing that the Slave Trade is carried on in Brazil to a great extent under the Portuguese Flag, by vessels which are not Portuguese built; that many of these vessels have previously been navigated under the Brazilian Flag, and that most of them are owned by Brazilian subjects, or by Portuguese subjects resident in Brazil.

I observe, by the Portuguese Decree of the 16th of January, 1837, that the only vessels which are to be considered Portuguese are those which had been navigated under the Portuguese Flag before the date of that Decree; those which should thereafter be built in ports belonging to the Dominions of Portugal; and steam-boats purchased within 3 years from the date of the Decree, belonging to Portuguese subjects, and navigated according to Portuguese Law.

I observe, farther, by a Despatch of the 2nd of March, 1838, from the Portuguese Secretary of State to the Portuguese Minister of Marine, enclosing a Circular to the several Portuguese Consuls, that the Portuguese Government expressly declared, for the special purpose of preventing the Slave Trade, and with special reference to the Decree issued for that purpose on the 10th of December, 1836, that no vessels but those which are described as such in the Decree of the 16th of January, 1837, are to be considered as Portuguese vessels.

Having referred the several Papers here quoted to Her Majesty's Law Adviser, for his opinion as to the Instructions which it would be proper to give to Her Majesty's Commissioners, and to the Commanders of Her Majesty's Cruisers, upon this subject; I have now to instruct you, that vessels owned by Brazilian subjects, or by Portuguese subjects resident in Brazil, and which shall be found carrying Slaves for Sale from Africa to Brazil, may, notwithstanding that they are sailing under the Portuguese Flag, be properly brought before the Court of which you are Members, and may be condemned by that Court under the Treaty of the 23rd of November, 1826, between Great Britain and Brazil, for the Suppression of the Slave Trade; unless such vessels shall have been built in a port belonging to the Dominions of Portugal, or shall have borne the Flag of Portugal, and no other, before the issue of the Decree of the 16th of January, 1837; or unless they shall be steam-boats purchased within 3 years from the date of the Decree, and belonging to Portuguese subjects, and navigated according to the Laws of Portugal.

You will take care to abide by this Instruction, in the cases of vessels which may be brought before you for adjudication.

I add, for your information, the Copy of a Despatch, and of the Enclosure referred to therein, from Her Majesty's Consul at Lisbon.

Her Majesty's Commissioners,
&c. &c. &c.

I am, &c.
 (Signed)

PALMERSTON.

Enclosure in No. 67.

Mr. Consul Smith to Viscount Palmerston.

Lisbon, 13th March, 1838.

(See Class B. of this Series, No. 45.)

SURINAM.

No. 68.

Her Majesty's Commissioners to Viscount Palmerston.—(Rec. Feb. 30, 1838.)

MY LORD,

Surinam, 1st December, 1837.

WE are honoured with your Lordship's Despatch, dated July 15th, 1837, together with five Copies of Papers relating to the Slave Trade, which had been presented by Her Majesty's command to both Houses of Parliament.

We have, &c.

(Signed)

JOHN SAMO.

CAMPBELL J. DALRYMPLE.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 69.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 19th March, 1838.

I HAVE to acquaint you, that the Lords Commissioners of the Admiralty have issued a Circular to the Commanders in Chief of Foreign Stations, directing them to instruct the Captains and Commanders of Her Majesty's Ships and Vessels under their order, to discontinue the practice, which it appears that they claim as a right, under section 8 of the Articles of War, of taking from vessels detained by them under Treaties with Foreign Powers for the suppression of the Slave Trade, articles relating to navigation, which may be required for the use of the capturing vessel under their command.

I am, &c.

(Signed)

PALMERSTON.

Her Majesty's Commissioners,

&c.

&c.

&c.

No. 70.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, April 9th, 1838.

I HEREWITH transmit to you, for your information and guidance, 12 Copies of an Additional Article to the Treaty concluded at the Hague, on the 4th May, 1818, between Great Britain and the Netherlands, for the Prevention of the Traffic in Slaves. The Ratifications of this Article were exchanged at the Hague on the 27th February, 1837.

I am, &c.

(Signed)

PALMERSTON.

Her Majesty's Commissioners,

&c.

&c.

&c.

No. 71.

Viscount Palmerston to Her Majesty's Commissioners.

GENTLEMEN,

Foreign Office, 9th April, 1838.

I HEREWITH transmit to you, for your information, 2 Printed Copies of a Treaty, by which the Hanse Towns have acceded to the Conventions between His late Majesty and the King of the French, for the more effectual suppression of the Slave Trade. The Ratifications of this Treaty were exchanged at Hamburgh, on the 12th of September, 1837.

I likewise transmit to you 2 Printed Copies of a Treaty, by which the Grand Duke of Tuscany has acceded to the above-mentioned Conventions. The Ratifications of this Treaty were exchanged at Florence on the 2nd day of March, 1838.

Her Majesty's Commissioners,
 &c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

Class B.

CORRESPONDENCE

WITH

FOREIGN POWERS,

RELATING TO

THE SLAVE TRADE.

1837.

Note.—A further Return, containing the Correspondence from the 1st of January 1838 to the 24th of April 1838, and including the Annual Reports of the Commissioners for 1837, is in preparation. All the Reports have not yet been received, but those still wanting may be expected shortly, and the further Return will probably be presented to the House soon after the Easter Recess.

Class B.

CORRESPONDENCE

WITH

FOREIGN POWERS,

RELATING TO

THE SLAVE TRADE.

1837.

Presented to both Houses of Parliament by Command of Her Majesty,
1838.

L O N D O N :

**PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET,
FOR HER MAJESTY'S STATIONERY OFFICE.**

1838.

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Class B.

CORRESPONDENCE

WITH

FOREIGN POWERS.

SPAIN.

No. 1.

Mr. Villiers to Viscount Palmerston.—(Received April 3.)

MY LORD,

Madrid, 25th March, 1837.

I HAVE the honour to enclose the Translation of a Note, which I have received from Count Almodovar, informing me that, in compliance with the request contained in my Note of the 19th January to M. Calatrava, orders have been sent to the Captain-General of Cuba to permit a hulk to be established in the bay of the Havana for the reception of liberated negroes, and a lazaret on land for negroes whose state of health requires, that they should be separated from those on board the hulk.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 1.

(Translation.)

Count of Almodovar to Mr. Villiers.

SIR,

Madrid, 12th March, 1837.

WITH reference to my communication to you, of the 21st January last, in reply to the Note which you were pleased to address to me on the 19th of that month, agreeably to Instructions from your Government, respecting the stationing of a hulk in the harbour of the Havana for the reception of negroes liberated by the Mixed Court of Justice, and the establishment of a lazaret in some building on shore, for the small number of negroes whose bad state of health will not permit of their remaining on board the hulk, I have the honour to communicate to you, that Her Majesty's Government approves and permits both these arrangements, for the reasons alleged in your above-mentioned Note; and consequently, under this date, I send to the Captain-General of Cuba the necessary Instructions to give every aid in his power towards carrying them into effect; but, at the same time, and also by Her Majesty's Command, I inform him:—first, that it being difficult to determine from hence, with certainty, if the stationing of the hulk in the harbour itself of the Havana may not be attended with some difficulties, in consequence of the impediment which it may cause to the entrance, departure, and stay of other vessels, he is to concert with the British Commissioner the port or point in which the said hulk can be stationed, bearing in mind that this measure has no other object than that of greater public convenience, united with the safety of the country; and secondly, that, in concert with the said British Commissioner, he shall select the place or building for the establishment of the dépôt or lazaret for the sick negroes, in order that they may be properly taken care of, for which object he is not to lose sight of the Sanitary Regulations, and, in conformity with them, previous to the disembarkation of the sick negroes, a Physician, appointed by the Captain-General himself, is to examine them. Having the satisfaction of making the above communication to you, I do not doubt that, on your part, you will make use of it, as may appear to you best calculated for carrying into effect the objects proposed by both Governments.

I avail myself, &c.

(Signed)

COUNT OF ALMODOVAR.

The British Minister,
&c. &c.

No. 2.

Mr. Villiers to Viscount Palmerston.—(Received April 18.)

MY LORD,

Madrid, 8th April, 1837.

I HAVE the honour to enclose the Copy of a Note which, in compliance with the Instructions contained in your Lordship's Despatch, Slave Trade, of the 28th of February, I have addressed to M. Calatrava, respecting the means resorted to at the Havana for evading the Treaty of 1835, and the protection afforded to the Slave Trade by the Authorities of Cuba.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 2.

Mr. Villiers to M. Calatrava.

SIR,

Madrid, 6th April, 1837.

I HAVE received Instructions to express to your Excellency the anxiety of my Government to be informed, whether any measures have yet been taken for the fulfilment of the provisions of Article 2 of the Treaty for the Suppression of the Slave Trade, of 28th June 1835, by the promulgation of a law inflicting severe punishment on all those subjects of Her Catholic Majesty who shall take any part whatever in the traffic of slaves.

I deeply regret to have, at the same time, to communicate to your Excellency that certain Authorities of Her Catholic Majesty, in the Havana, instead of zealously endeavouring to carry into effect the Treaty of 1835 for the abolition of this execrable traffic, appear to countenance the means which are resorted to for its evasion.

In order that the trade may be carried on as secretly as possible, since the ratification of the Treaty in question, the regulation that all vessels returning from the Coast of Africa to the Havana should hoist a red flag has been dispensed with. The arrival of such vessels is now forbidden to be noticed in the newspapers; and, what is more, vessels sailing to that Coast are permitted to leave the harbour in the dark,—an act which, in all other cases, involves a severe penalty.

In order to avoid the provisions of this Treaty, well-known Spanish vessels are permitted to enter the harbour under Portuguese colours; and no inquiry appears to be made, nor is any difficulty interposed, which would tend to secure the observance of the provisions of the Treaty.

The crews of captured vessels are permitted to purchase their liberation; and, in short, it would seem that the persons concerned in this trade have resolved upon setting the Government of the mother-country at defiance; and that, with the servants of that Government in the Colony, their misconduct finds favour and protection. It would be idle on my part, in addressing myself to your Excellency, to dwell upon the faith of Treaties, or upon the paramount importance of their provisions being scrupulously fulfilled; for I do not doubt that your Excellency, as strongly impressed with these truths as any one can be, will immediately take such measures, both in Spain and the Spanish Colonies, as will prove that the solemn engagements of Her Catholic Majesty's Government are not to be violated with impunity.

I have, &c.

(Signed)

GEORGE VILLIERS.

His Excellency Don Jose Maria Calatrava,

&c.

&c.

&c.

No. 3.

Mr. Villiers to Viscount Palmerston.—(Received April 30.)

MY LORD,

Madrid, 22d April, 1837.

IN obedience to the Instructions contained in your Lordship's Despatch, marked Slave Trade, of the 30th March, I have addressed a Note to M. Calatrava, of which I herewith enclose the Copy, renewing my application respecting the form of Bond and Certificates to be issued under the Regulations of the Slave Trade Treaty, to vessels carrying out casks to the Coast of Africa for the purpose of trading in palm oil.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 3.

Mr. Villiers to M. Calatrava.

SIR,

Madrid, 19th April, 1837.

IN my Note of the 9th June last, I had the honour to inform your Excellency's predecessor that I had received the Instructions of my Government to apply to the Spanish Government with respect to the form of Bond and Certificates to be granted, under the Regulations of the Treaty for the Abolition of the Slave Trade, to vessels carrying out casks to the Coast of Africa for the purpose of

trading in palm oil. I had also the honour to enclose a Copy of the Bond and Certificate which had been adopted in these cases by the British Government, and to request that, as soon as the Spanish Government had resolved upon their form for these documents, they might be communicated to me for the information of the Mixed Court of Justice sitting at Sierra Leone.

As yet, I have not had the honour of receiving an answer to my Note. I beg, however, to state to your Excellency that it is extremely desirable that some form of Certificate, framed in the spirit and according to the Regulations of the Treaty, should be adopted, in order to relieve the Mixed Court from the embarrassment they may be thrown into by the presentation of irregular documents of this kind, which, though issued by Officers of the Spanish Government, have no legal force, from not being drawn up according to the meaning of the Equipment Article of the Treaty.

I have the honour to enclose a Copy [of one of these documents, found among the Papers of the captured ship "*Luisita*," which your Excellency will perceive loses all its validity from its making no mention of security having been taken for the lawful employment of casks referred to in the document.

His Excellency Don Jose Maria Calatrava.
&c. &c. &c.

I have, &c.
(Signed) GEORGE VILLIERS.

No. 4.

Viscount Palmerston to Mr. Villiers.

SIR,

Foreign Office, 10th May, 1837.

WITH reference to my Despatch to you of the 28th of February last, containing Copy of the Report made by His Majesty's Commissioners at Havana upon Slave Trade during the year 1836, I now transmit to you for your further information, and for communication to the Spanish Government, the Copy of a Despatch, and of its Enclosures, from His Majesty's Commissioners at Sierra Leone, reporting the state of the Slave Trade in the neighbourhood of that Colony during the year above mentioned.

G. W. F. Villiers, Esq.
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

Enclosure in No. 4.

(See Class A. of 1836. Supplement A, No. 3.)

No. 5.

Mr. Villiers to Viscount Palmerston.—(Received May 14.)

MY LORD,

Madrid, 6th May, 1837.

I HAVE the honour to enclose the Translation of a Note, which I have received from M. Calatrava, in answer to the complaints which, at various times, I have addressed to his Excellency, upon the manner in which the stipulations of the Slave Treaty are disregarded by the Authorities of Cuba.

I have, &c.
(Signed) GEORGE VILLIERS.
The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 5.

(Translation.)

M. Calatrava to Mr. Villiers.

SIR,

Madrid, 28th April, 1837.

ON the 5th June last my predecessor had the honour to inform you that, by Her Majesty's Commands he had addressed the most positive orders to the Captain-General of Cuba, directing him, agreeably to the engagements between Spain and Great Britain for the Abolition of the Slave Trade, contained in the Treaties of the years 1817 and 1835, to pay the greatest attention to the scrupulous execution of the stipulations of the said Treaties, in order to insure to the liberated negroes the complete emancipation, which, by those Treaties, is granted to them; and it falls now to my lot to have the honour to satisfy your complaints upon this subject, by transcribing herewith that which the abovementioned Captain-General states with respect to the same subject, and by forwarding to you the enclosed Copies, to which reference is made.

"The Royal Order which I have just mentioned, far from producing any embarrassment in the frank manifestation of my proceedings, places me in the advantageous position of being able to give an exact account of them; to repeat that which upon other occasions I had the honour of representing to Her Majesty; to show that the stipulations of the existing Treaties have been in no way violated; and that the accusation brought forward against the Authorities of the island is founded upon malicious reports.

"Already once before, on the 31st December 1834, upon the occasion of a similar complaint made, by one of the British Commissioners of Arbitration, in this place, I addressed to Her Majesty, through the office which your Excellency so worthily directs, a communication, in which I stated the just dispositions which I had taken with regard to this subject. The contribution of 17 dollars, exacted before my taking this command, upon the hire of each liberated negro, and which contribution was deposited in the office of this Government for the support of public establishments, gave rise to suspicions more or less founded, more or less probable, that other sums were received by the officers who intervened in the distribution of the liberated negroes. In order to strike at the root of a complaint of this kind, always prejudicial to the decorum of the Authorities, I thought it expedient to do away with the abovementioned contribution, and to prevent any sum whatever being received by the officers employed in the Secretaryship of this Government, either under this or any other title. For the custody of the sums destined for the several public works, which I undertook from the moment of my taking the command of this island, I appointed two of the richest persons, who also enjoyed a well-merited reputation, namely, the Count of the Reunion, and Don Joachim Gorney, President of the Tribunal of Commerce; and I recommended that, in the distribution of liberated negroes, those persons should be preferred who, possessing the required qualifications, might prove, with the receipts of the abovementioned depositaries, that they had rendered some service, or contributed with voluntary donations to the funds applied to public works.

"There is nothing objectionable in this method of distributing the liberated negroes: no price is fixed upon them, neither is their civil condition altered. Free at the time of their being delivered, they continue in the enjoyment of their liberty during the whole time that they are employed in service, or in labouring for the person under whose care they are placed; and any one who should abuse such a deposit, and endeavour to reduce to slavery a free man, would be punished with all the rigour of the Spanish laws, which, in this respect, are not less severe than those of England, and those which are in force in other civilized nations. Let, upon this occasion, the regulations, or set of conditions, be examined, under which liberated negroes were distributed before my taking this command, and of which I forward Copies, under No. 1, as well as the new set of conditions established during my government, and of which Copies are enclosed under No. 2, and the good treatment of the liberated negroes will be found to be as much respected in them as in the British Possessions themselves.

"According to these regulations, no person can take charge of a liberated negro if he is not a proprietor of land, or if he does not give proper security; and he is strictly bound to provide both good nourishment and religious education for the negro, and all other things necessary to make them useful individuals. By the 8th Article it is determined, that any person who shall sell one of the abovementioned negroes, or shall report him to be dead or fugitive, shall be prosecuted with all the rigour of the law for the crime of selling a free man; and, besides that, shall be compelled to pay a fine of 500 dollars, half of which is to be paid into the hands of the informer. It was wished to give a stimulus to denunciation, and this circumstance proves the care that has been taken to prevent all abuse from being committed upon a free man. I, therefore, cannot conceive what grounds the British Minister can have had to consider the distribution of liberated negroes in no other light than that of a sale: when a crime of this nature is forbidden by the regulations, and severely punished by the laws: when two persons are both legally entitled to solicit an emancipated negro, does the preference given to that one who may prove that he has rendered some service merit such a qualification? Is the civil condition of the liberated negro altered thereby in the least? Are the conditions altered under which that person receives him? In the note in question also a further accusation is made, because the taking the liberated negroes to the interior of the country is permitted; and, truly, this circumstance does not merit any blame whatever. The 4th Article of the Annex. sub litt. C., which forms a part of the Treaty concluded in Madrid, on the 28th of June, 1835, only stipulates that the Spanish Government shall cause the liberated negroes to be treated in strict conformity with the regulations lately promulgated in this city, or with those which may in future be adopted. No article exists in those regulations enacting that the liberated negroes are bound to reside in the city of the Havana, and if it did exist, the considerable number of this class agglomerated from the year 1817 up to this day would immediately compromise the existence of the island. Their good treatment is recommended in general terms, as well as their being taught useful labours, by which they may acquire sufficient skill to earn their livelihood in future: a religious education is prescribed, and none of these requisites are incompatible with their residence in the country. Moreover, public tranquillity, political considerations of the greatest moment, and impatience, have compelled me to prefer employing liberated negroes in the country. There it is easier to watch over them, and there is more facility for rendering them useful members of society, and preventing their contact with suspected negroes. In the city, on the contrary, the means of dissipation abound, care cannot produce the same effects as in the country, nor preserve them entirely from the intercourse with bad negroes, who, by inspiring them with exaggerated ideas of their condition, may render them dangerous for communicating even with the newly imported negroes."

I avail, &c.

The British Minister,
&c. &c.

(Signed) JOSE M. CALATRAVA.

No. 6.

Viscount Palmerston to M. D'Aguilar.

Foreign Office, 15th May, 1837.

THE Undersigned, &c., has the honour to return to M. D'Aguilar, &c., the Papers, which M. D'Aguilar communicated to the Undersigned, upon the subject of the proposed removal of Dr. Madden, His Majesty's Superintendent of Emancipated Negroes, resident at the Havana.

The Undersigned must express his regret, that the zeal and perseverance in the performance of a public duty, which have obtained for Dr. Madden the approbation of his own Government, should not have equally secured for him that of the Government of Cuba.

His Majesty's Government have as yet had no reason to think, that Dr. Madden has done anything in the fulfilment of the duties assigned to him, either as Superintendent of Liberated Africans, or as temporary member of the Mixed Court of Justice, which would justly subject him to such a mark of censure on the part of the Crown, as would be his removal from his post: on the contrary, Dr. Madden has given indisputable proofs of that anxiety and assiduity in the discharge of difficult and irksome duties, without which he would not be fit for the appointment for which he has been selected.

As the Captain-General of Cuba Don M. Tacon positively declares, that he in no degree protects, and in no manner encourages the illicit importation of slaves into Cuba, His Majesty's Government is bound to believe, that he is ignorant of the gross and continued misconduct in this respect of all the subordinate authorities under his command. But that an extensive and continual traffic in slaves does take place, in and from Cuba; that slave-ships are notoriously fitted out at the Havana, and sent to the Coast of Africa for slaves; that many of these ships return to Cuba, and there illegally land their cargoes; that this fraudulent traffic is connived at and encouraged by all the subordinate Local Authorities; that the names of ships going to and returning from the Coast of Africa are no longer published in the Official Gazette; that such ships are now no longer required to hoist the distinguishing red flag at the mast-head; that ships destined for the Slave Trade are permitted, for the sake of secrecy, to quit the port after nightfall: all these and many other facts of a similar tendency are well known to His Majesty's Government; and it is of great importance for the honour of the Spanish Government, which suffers by the continuance of such practices, that these facts should, without delay, be made known also to Don M. Tacon, in order that he may, for his own sake, and out of regard for the character of Spain, take those prompt and energetic measures, which will doubtless occur to him, for putting an immediate stop to these scandalous proceedings, which are at variance with all the professions of the Spanish Government, and incompatible with the solemn engagements of the Spanish Crown.

To Monsieur D'Aguilar,
&c. &c. &c.

I have, &c.
(Signed) PALMERSTON.

No. 7.

Mr. Villiers to Viscount Palmerston.—(Received June 11.)

(Extract.)

Madrid, 3d June, 1837.

I HAVE the honour to enclose the Copy of a Note, which, in obedience to the Instructions contained in your Lordship's Despatch, marked Slave Trade, of the 10th ultimo, I have addressed to M. Calatrava.

Enclosure in No. 7.

Mr. Villiers to M. Calatrava.

SIR,

Madrid, 2d June, 1837.

I HAVE the honour to inform your Excellency that my Government, persuaded of the zeal and good will which animate the Government of Her Catholic Majesty in their co-operation with that of His Britannic Majesty in endeavouring to suppress the odious traffic in slaves, has instructed me to inform your Excellency that 51 cases of vessels captured as being engaged in this trade, have been adjudged in the Courts of Mixed Commission established at Sierra Leone, between the 1st of January, 1836, and the 1st January, 1837.

Twenty-eight of these vessels were seized and prosecuted for having equipped for the Slave Trade, under the 10th Article of the Treaty of 1835, between Great Britain and Spain. Of these 28 vessels 24 were condemned, and may, therefore, be looked upon as a clear gain to the cause of humanity, arising out of the conclusion of the Treaty in question. It is, however, to be lamented that a sincere and cordial desire does not exist, on the part of the Authorities of Cuba, to carry into full operation the stipulations of this Treaty, otherwise this inhuman traffic would shortly receive its death-blow. When these Authorities are found clearing out *slave-irons* as an article of merchandize, as I had the honour to represent to your Excellency in my Note of 19th January last, and when, at the same time, in place of the formal Bonds and Certificates drawn up according to the Equipment Article of the Treaty, these same Authorities grant to vessels (foreign as well as Spanish) a loosely worded permission to carry an extraordinary quantity of water-casks, without any security having been taken for the lawful employment of their casks (as your Excellency will find fully detailed in my Note of the 19th April last, requesting the Spanish Government to adopt a similar form of Bond and Certificate to that issued by the British Government), it is clear that a faithful compliance with the letter and spirit of

the Treaty is not to be expected from the agents of the Spanish Government in that Island, unless your Excellency will be pleased to adopt some measure of an efficient character, in order to impress upon these agents that it is their duty to aid, by every means in their power, the undoubted intentions of the Metropolitan Government, honourably and punctually to fulfil its engagements.

I am further instructed to represent to your Excellency, that as the Penal Laws of Spain do not visit with punishment the crime of being engaged in the Slave Trade, and as the stipulation in the Treaty of 1835, that a severe penalty on this offence shall be enacted, has not yet been carried into effect, a feeling of perfect security is entertained by the persons employed in slave-vessels; and immediately after the condemnation of their vessel they are very generally re-engaged in their nefarious pursuits, at some of the slave marts in the vicinity of the seats of the Courts of Mixed Commission.

In my Note of 6th April I have already had the honour to request that your Excellency would inform me what steps had been taken towards carrying through the Spanish Legislature the measure stipulated for in the 2d Article of the Treaty, but as yet I have not been favoured with any communication on the subject.

His Excellency Don Jose Maria Calatrava,
&c. &c. &c.

I have, &c.
(Signed) GEORGE VILLIERS.

No. 8.

(Circular.)

Viscount Palmerston to Mr. Villiers.

SIR,

Foreign Office, 15th June, 1837.

I HEREWITH transmit for your information Copies of Papers, marked A and B, relating to the Slave Trade, which have been presented, by His Majesty's Command, to both Houses of Parliament.

G. W. F. Villiers, Esq.
&c. &c.

I am, &c.
(Signed) PALMERSTON.

No. 9.

Mr. Villiers to Viscount Palmerston.—(Received June 26.)

MY LORD,

Madrid, 18th June, 1837.

I HAVE the honour to enclose the Translation of a Note, which I have received from M. Calatrava, in reply to one which I addressed to his Excellency respecting the enactment of a Law for the severe punishment of Spaniards, convicted of being engaged in the Slave Trade, in conformity with the 2d Article of the Treaty of 1835.

I have, &c.
(Signed) GEORGE VILLIERS.
The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 9.

(Translation.)

M. Calatrava to Mr. Villiers.

SIR,

Madrid, 9th June, 1837.

I HAVE the honour to inform you, in reply to the Note which you were pleased to address to me on the 6th of April last, that on the 10th of December, 1835, Her Majesty's Government presented to the Chamber of "Proceres" a project of Penal Law, drawn up in conformity with the provisions of the 2d Article of the Treaty concluded in the same year between Spain and Great Britain, for the Suppression of the Slave Trade. On the 20th of May, 1836, the said Chamber was reminded of the discussion on this matter, and ceased to exist without its having taken place.

From the foregoing you will perceive that Her Majesty's Government has desired the due fulfilment of the said Article; and that if it has not been carried into effect, it has been on account of the indispensable necessity in which, in consequence of the change which has taken place in our political institutions since the date of the Treaty, the Government is placed, of obtaining the concurrence of the Cortes for the promulgation of a new Penal Law; but I can assure you that it will continue, as hitherto, to promote in them this affair as much as it possibly can, and that I shall lose no time in informing you of the result.

The British Minister,
&c. &c.

I avail myself, &c.
(Signed) JOSE M. CALATRAVA.

No. 10.

Mr. Villiers to Viscount Palmerston.—(Received June 26.)

MY LORD,

Madrid, 18th June, 1837.

I HAVE the honour to enclose the Translation of a Note, which I have received from M. Calatrava, in answer to a renewed application from me respecting the Bonds to be required for the exportation of barrels destined to contain palm oil.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 10.

(Translation.)

M. Calatrava to Mr. Villiers.

SIR,

Madrid, 15th June, 1837.

IN your communication of the 2d instant you express the wish to be informed of the measures adopted by the Spanish Government for carrying into effect the stipulations of the 2d Article of the Treaty concluded for the Suppression of the Slave Trade; and you renew your application, that in the Spanish Custom-houses a Bond should be required from the Owners of vessels who wish to export barrels or casks destined to contain palm oil, before granting the Certificate required of the said vessels by the 6th Clause of the 10th Article of the Treaty above mentioned.

With respect to this last part, I have the honour to inform you in reply, that I have reminded the Minister of Finance of the inquiry which this Minister has made at his office upon the subject, on the 27th of June, 1836, and 19th of May last, the result of which I shall hasten to acquaint you with immediately; and with reference to the other part of your Note, respecting which I replied to you on the 9th instant, I have, for the present, no remark to offer in addition.

I avail myself, &c.

The British Minister,

&c.

&c.

(Signed)

JOSE M. CALATRAVA.

No. 11.

Viscount Palmerston to Mr. Villiers.

SIR,

Foreign Office, 27th June, 1837.

WITH reference to your Despatch, marked Slave Trade, of the 25th of March last, stating that orders had been sent to the Captain-General of Cuba to permit a hulk to be established at the Havana for the reception of liberated negroes, I have to acquaint you that Her Majesty's ship "Romney" has been selected for this service, and is about to proceed to the Havana, under the command of Lieutenant Jenkins.

I have, therefore, to instruct you to communicate this information to the Government of Her Catholic Majesty, and to request that instructions may be issued to the Spanish Authorities at the Havana, for the reception of Her Majesty's ship, above named, at that port.

I am, &c.

G. W. F. Villiers, Esq.

&c.

&c.

(Signed)

PALMERSTON.

No. 12.

Mr. Villiers to Viscount Palmerston.—(Received July 26.)

MY LORD,

Madrid, 15th July, 1837.

I HAVE the honour to enclose the Copy of a Note, which I have addressed to M. Calatrava, communicating to his Excellency that Her Majesty's ship "Romney" had been directed to proceed to the Havana for the reception of liberated negroes, and requesting that the Captain-General of Cuba may be instructed to receive the "Romney," and to assist her Commander in the execution of his duties.

I have had the honour to receive your Lordship's Despatches, marked Slave Trade, of the 27th and 30th of June.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 12.

*M. Villiers to Mr. Calatrava.**Madrid, 12th July, 1837.*

SIR,

I HAVE the honour to inform your Excellency that I have received instructions to communicate to the Government of Her Catholic Majesty, that Her Britannic Majesty's ship "Romney" is about to be sent to the Havana to be stationed there as a hulk for the temporary reception of liberated negroes, under the permission which the Count of Almodovar was pleased to inform me, in his Note of 12th March last, had been accorded by the Government of Her Catholic Majesty; orders to that effect having been sent out to the Captain-General of Cuba.

I have the honour likewise to state, for your Excellency's information, that Lieut. Jenkin has been selected to command the "Romney," who, in addition to the general instructions given for the conduct of British Naval officers in a Foreign Port, has been especially recommended by the Lords of the Admiralty to endeavour, by every means in his power, to conciliate the good opinion and respect of the public Authorities and the inhabitants, of the place at which he is to be stationed.

I have not the least doubt that these instructions will be fully complied with by Lieutenant Jenkin and the Officers under his command; and, on the other hand, I have the honour to request that your Excellency will be pleased to instruct the Captain-General of Cuba to receive the "Romney," and to give such assistance as may be in his power to Lieutenant Jenkin in the discharge of the duties imposed on him.

His Excellency Don Jose Maria Calatrava,
 &c. &c. &c.

I have, &c.
 (Signed) GEORGE VILLIERS.

No. 13.

Mr. Villiers to Viscount Palmerston.—(Received July 31.)

MY LORD,

Madrid, 22d July, 1837.

I HAVE the honour to enclose the Copy and Translation of a Note, with its Enclosure, which I have received from M. Calatrava, in reply to mine of the 19th January, complaining that the Custom-House Authorities of Santiago de Cuba had permitted 120 pairs of leg-irons to be embarked on board the "Eliza."

M. Calatrava likewise states (with reference to a verbal request from me, that no unnecessary delay should take place upon the subject) that I shall receive an answer respecting the Bond to be required for barrels intended to contain palm-oil, so soon as the Minister of Finance shall have received the information he has asked for upon the matter.

I have, &c.
 (Signed) GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.
 &c. &c. &c.

First Enclosure in No. 13.

(Translation.)

M. Calatrava to Mr. Villiers.

SIR,

Palace, 13th July, 1837.

IN consequence of that which I had the honour of communicating in the Note which I addressed to you on the 21st of January last, in answer to yours of the 19th of the same month, in which you complain of the proceedings of the employes in the Custom-house of St. Jago de Cuba, who gave permission to the "Eliza" to carry on board 120 pair of leg-shackles, and being desirous of satisfying the above-mentioned reclamation, I hasten to transmit to you the enclosed Copy of the Reply given upon this subject, on the 19th of April last, by the Intendant of the Havana to the Minister of Finance.

At the same time I have the honour to inform you, respecting your proposition, that in the Spanish Custom-houses a Bond should be required from the Owners of vessels who present for export barrels intended to contain palm-oil; that the Minister of Finance has also informed me that the necessary data and inquiries are being made upon this subject, in order to obtain all the necessary information, and, as soon as it is received, the office under his charge will communicate the information which it has been desired to furnish.

G. W. F. Villiers, Esq.
 &c. &c.

I avail myself, &c.
 (Signed) JOSE M. CALATRAVA.

Sub-Enclosure in No. 13.

(Translation.)

Copy of the Letter addressed by the Intendant of the Havana on the 19th of April last to the Minister of Finance.

IN order to carry into due effect the Royal Order issued on the 21st of January last by the Secretary of State's Office, which was transmitted to me on the 20th of February following, through that of your Excellency, desiring that the necessary measures should be immediately taken for investigating and punishing the guilty employes in the Custom-house of St. Jago de Cuba, who allowed 120 pair of leg-irons to be carried on board the Spanish schooner "Eliza," I have ordered the proper information to be collected, and to be sent to the Intendant of that Province for the necessary investigation to be made. According to its results I shall act, and shall also inform your Excellency of that which ought to be brought under Her Majesty's notice, and other necessary measures.

No. 14.

Viscount Palmerston to Mr. Villiers.

SIR,

Foreign Office, 8th August, 1837.

I HAVE received and laid before the Queen your Despatch marked Slave Trade of the 6th of May, enclosing a Note addressed to you by M. Calatrava, in reply to the representations which you have been instructed to make, respecting the alleged non-execution of those stipulations of the Treaty of 1817 with Spain, which provide for the good treatment of negroes emancipated under that Treaty.

M. Calatrava, it appears, considers, that these representations have been satisfactorily answered by the Despatch of the Captain-General of Cuba, the substance of which is recapitulated in his Note to you of the 28th of April last, and which contains only a general denial of the facts reported to Her Majesty's Government, with a summary of the Regulations now in force for the treatment of emancipated negroes in that Island; but I must observe, that Great Britain complains, not so much of any defect in the Regulations themselves, as of the manner in which they are allowed to remain unexecuted and disregarded.

The Captain-General indeed states, that he has put an end to the contribution of 17 dollars, formerly exacted on the hiring of each negro, and which was applied to the support of public establishments; but in the same Despatch it appears, that, in the distribution of the emancipated negroes, a preference is given to those persons who have rendered some public service, or who have contributed voluntary donations to public works; and there is manifestly little or no difference in principle, between this method of taking money on the hiring out of the negroes, and that which the Captain-General makes a merit of having put an end to.

Again, while it is admitted, that the Treaty of 1817 contains no positive stipulation, under which the negroes are entitled to reside in the city of Havana; still, according to the spirit of that Treaty, the Authorities are bound, not to allow the negroes to be taken by their masters to such a distance as shall preclude the possibility of their being carefully watched over and protected.

The negroes are, it seems, hired out to proprietors of land, that is to say, of sugar and coffee estates; and when once removed from the neighbourhood of the city, and employed with other negroes in a state of slavery, it is obvious, that their condition will be eventually assimilated with that of the slaves with whom they are put to work; for they must be entirely at the mercy of their masters, and utterly unable to avail themselves of the protection of the Government, however good the regulations for their treatment may be, and however heavy the punishment denounced by the law for those who may do them wrong.

I have therefore to instruct you, to express to the Spanish Government the regret, with which Her Majesty's Government perceives, that the only fruit produced by the Royal Order, issued to the Captain-General on this subject last year, is a mere recapitulation by that Officer of Regulations, unsupported by any statement of facts showing that these Regulations are duly executed; while, from the Havana, I receive information, such as is contained in the accompanying Papers, which places the present deplorable condition of the emancipated negroes beyond the possibility of a doubt.

But hopeless as the case seems to be, one course still remains open, by the adoption of which these negroes may at length obtain the good treatment and complete freedom to which they are entitled, and which it seems impossible to secure to them as long as they remain in an Island where slavery is still permitted, and where the authority of the Spanish Government is set at nought and disregarded in all that relates to the Slave Trade.

You will, therefore, state to the Spanish Government, that Great Britain is willing to relieve the Island of Cuba from the burthen of these negroes, by removing them, without distinction of age or sex, to the British Colonies, where, under the protection of the British law and among freed-men of their own colour, they will run no risk either of being treated as slaves, or of relapsing into a state of slavery, through the bad faith and cupidity of the slave-owners, to whose care they must unavoidably be committed under the system at present in force in the Island of Cuba.

G. W. F. Villiers, Esq.
&c. &c.

I am, &c.
(Signed) PALMERSTON.

CLASS B.

C

Enclosure in No. 14.

Mr. Stephen to Mr. Backhouse.

SIR,

Downing-street, 22d June 1837.

I AM directed by Lord Glenelg to transmit to you herewith, for the information of Viscount Palmerston, an Extract of a Letter from the Havana, dated the 28th April, representing the treatment, by the Spanish Authorities in the Island of Cuba, of those captured Africans who were liberated by the Court of Mixed Commission before the late Treaty with Spain for the Suppression of the Slave Trade came into operation; and I am to state that, if Viscount Palmerston should think it right to act upon the suggestion contained in this Letter, and propose to the Spanish Government to relieve it from the burthen of the negroes referred to, Lord Glenelg anticipates no difficulty in providing for them in the British Colonies.

J. Backhouse, Esq.
&c. &c.

I have, &c.
(Signed) JAMES STEPHEN.

Sub-Enclosure in No. 14.

Extract of a Letter, dated Havana, 28th April, 1837.

THOUGH the negroes emancipated previously to the operation of the New Treaty do not come within the sphere of my duties, in the hope that some steps may be taken to rescue them from their lamentable situation, I venture to make known to your Lordship the state in which they are.

They have lapsed into hopeless slavery, unless hope there be for them in the interference, strong and speedy, of the Government which rescued them from slavery, and trusted their liberty to the faith of this Government. The remnant of the many thousands of these poor people who are now alive in this Island would actually be benefited by the terms of common slavery; so great are the hardships they suffer from the contempt and hatred in which they are held, strange to say, both by the slaves and by their masters. The latter, to whom they are hired by the Governor, have no interest, no life interest in their health and strength, and consequently of their comforts. Their interest is in a given time to get out of these *emancipados*, as they are called in mockery, the greatest possible quantity of labour that may fall short of producing death during the term of their service.

The Spaniards now say the New Treaty put all matters relating to it on a new footing; that it provided only for negroes liberated since its operation, consequently, the others are taken out of the power of the Commissioners; nay, are beyond the care of the British Government. The consequence is, the mere form which the Governor formerly went through, at stated times, of inspecting the *emancipados* is done away with. An advertisement appears at the usual period of inspection, calling on the employers of the *emancipados* to produce them; and certificates of death, disease, and distance from the Havana, suffice for the mockery of this ceremony. The Governor no longer affects to distribute them without profit; he now sells their services openly, for terms varying from 5 to 15 years, for sums from 5 to 15 ounces, under the name of a voluntary contribution towards the completion of the public works; and on such terms a Mining Company, at St. Jago de Cuba, has lately procured a number of these unfortunate slaves, called *emancipados*, to work their mines.

The practice, whenever a *bonâ-fide* slave dies in the possession of an Owner holding *emancipados*, being to represent in their Returns, the death of one of the latter, when the other has taken place, it follows that temporary slavery generally becomes perpetual; and where the Governor has the power and the will to prevent that practice, one period of servitude has no sooner elapsed than he hires them out anew; and a change of masters only leads to new and severer claims on labour. In short, my Lord, in every respect the *emancipados* are infinitely worse off than other slaves.

Where there is so strong a desire in our Colonies for the introduction of negro labourers, and little doubt of the willingness of the Colonists to pay all the expenses of their removal, I would venture to suggest, whether an application to the Spanish Government might not be attended with some good effect, proposing to relieve them of the burthen of those liberated negroes, and to remove them to such of our Colonies as might be prepared to receive them on the proposed terms. If the application failed, it would deprive the Spaniards of their great argument for the ill treatment these poor people receive,—that they do not know what to do with them;—and it would show the Authorities here that the British Government has not lost sight of these people.

J. Backhouse, Esq.
&c. &c.

I have, &c.
(Signed) R. B. MADDEN.

No. 15.

Viscount Palmerston to Mr. Villiers.

SIR,

Foreign Office, 9th August, 1837.

I HEREWITH transmit the Copy of a Letter and of its Enclosures, which have been received from the Colonial Office, respecting certain British negroes, who, it is supposed, are detained as slaves in the Island of Porto Rico.

From the evidence, contained in the depositions enclosed in this Letter, it would appear, that, about the year 1832, 19 British slaves were removed from Anguilla to the Island of St. Thomas; and were there sold, and that of this number 14 were transferred to Porto Rico.

In 1836 His Majesty's ship *Vestal*, Captain Jones, was employed to visit St. Thomas and Porto Rico, for the purpose of recovering such British negroes, as might be found on these Islands.

In the Danish Island he experienced no difficulty, in effecting the freedom of the

British subjects there held in slavery; but at Porto Rico no satisfactory result attended Captain Jones's efforts; and the accompanying Extracts of Reports made by that Officer give reason to believe, that there is no prospect of recovering these negroes, except by the direct interference of the Spanish Government in their behalf.

I have therefore to desire, that you will communicate to the Spanish Government, the Papers enclosed in this Despatch, and request that peremptory orders may be issued to the Authorities of Porto Rico, to cause a strict search to be set on foot, not only for the 14 negroes named in the depositions, but for any others, the subjects of Great Britain, who may be held in slavery in that Island; and to lend all the aid in their power to such Officers of Her Britannic Majesty, as may be employed to procure for these individuals the enjoyment of those privileges as free men, to which they are entitled in their capacity of subjects of Her Majesty.

I am, &c.

G. W. F. Villiers, Esq.
&c. &c.

(Signed) PALMERSTON.

First Enclosure in No. 15.

Mr. Stephen to Mr. Backhouse.

SIR,

Downing-street, 5th June, 1837.

WITH reference to your Letter of the 5th November, requesting to be furnished with such specific and particular information respecting the British negroes said to be detained as slaves in Porto Rico, as may enable Viscount Palmerston to address the Spanish Government on the subject with effect; I am directed by Lord Glenelg to transmit to you, for his Lordship's information, the enclosed Copies of depositions taken before the Chief Justice of the Court of King's Bench and Common Pleas in the Island of Anguilla, on the 25th March, 1835. The deponents are described by Mr. Solicitor-General Claxton, in a Letter to Sir E. Murray Macgregor, as consisting of "those persons in Anguilla who knew the slaves that were removed to St. Thomas's, and who could give evidence of their subsequent disposal."

These depositions contain positive evidence that a number of British slaves (19 in all) have been transferred from Anguilla to St. Thomas's; have been sold in the latter Island, and subsequently removed from it; and are believed to have been transferred to Porto Rico.

No opportunity having been offered of examining persons resident in Porto Rico, it is, of course, impossible to prove, by the direct testimony of eye-witnesses, that these British negroes are now to be found there, or even that they ever actually arrived. But in the case of the greater number of them, we have positive evidence that, after having been sold in St. Thomas's, they were seen to go on board vessels bearing Spanish colours, which were understood to be bound for Porto Rico. Of these, only one has yet been discovered and restored.

Lord Glenelg trusts that the Spanish Government may be induced, on the strength of this information, to give such peremptory orders to the Captain-General of Porto Rico as may ensure the restitution of these persons, if they are to be found in the Island.

I have, &c.

J. Backhouse, Esq.
&c. &c.

(Signed) JAMES STEPHEN.

Sub-Enclosure in No. 15.

(Copy.)

No. 1.

Before the Honourable Joseph King Wattley, Esq., Chief Justice of the Court of King's Bench and Common Pleas in the Island of Anguilla.

PERSONALLY appeared Benjamin Hanagan, Joseph Gumbs, and London Ryrie, who, being respectively sworn on the Holy Evangelists of Almighty God, severally make oath and say,—

And, first, Benjamin Hanagan saith, that he went to St. Thomas in the schooner "Deborah," nearly 3 years ago; that a slave named Isaac, the property of William Derrick, went in the same vessel; that he worked with Isaac, as slaves, at a large fire-proof house belonging to Mr. Launce, and shortly Isaac was sold by the late Mr. Benjamin Gumbs to Mr. Cappé, the Vendue Master; that Mr. Cappé afterwards sold Isaac to Mr. Lane, and he was shipped, as he believes, to Porto Rico.

Secondly, Joseph Gumbs saith that he knows Isaac was brought from Anguilla to St. Thomas in the schooner "Deborah;" that he was sold to Mr. Cappé, and afterwards sent to Porto Rico.

Lastly, London Ryrie saith that he knows Mr. Cappé bought Isaac, having seen him working for him as his slave, and knows that he was sold afterwards to Mr. Lane, and subsequently, as he heard and believes, was sent to Porto Rico.

(Signed) BENJAMIN ^{his} × HANAGAN.
mark.

(Signed) JOSEPH ^{his} × GUMBS.
mark.

(Signed) LONDON ^{his} × RYRIE.
mark.

Sworn before me, the same being first read over and explained to the deponents, this 25th day of March, 1835.

(Signed) JOSEPH K. WATLEY,
Chief Justice.
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No. 2.

Before, &c.

Personally appeared Benjamin Hanagan, Rosey, and Richard Carter, who, being respectively sworn on the Holy Evangelists of Almighty God, respectively make oath and say,—

And, first, the said Benjamin Hanagan saith that Richard, a native slave of Anguilla, was taken to St. Thomas by Peter O'Boyle, since deceased, and there sold to Mr. Da Costa, who subsequently sent him to Porto Rico; that deponent frequently saw him in the service of Mr. Da Costa; and that the day before he sailed for Porto Rico he shook hands with deponent, and told him, that as he had no friends at St. Thomas to assist him to escape, he had made up his mind to go to Porto Rico with Mr. Da Costa.

Secondly, the said Rosey saith that Richard was taken by his deceased master, Peter O'Boyle, to St. Thomas, in the "Deborah," at the same time that deponent went there; knows that he was sold to Mr. Da Costa, but only heard that he was subsequently sent to Porto Rico.

Lastly, Richard Carter deposes that he has seen Richard, formerly the property of Mr. O'Boyle, frequently in the service of Mr. Da Costa at St. Thomas.

(Signed) BENJAMIN ^{his} × HANAGAN
mark.

(Signed) RICHARD ^{his} × CARTER.
mark.

(Signed) ROSEY. ^{her} ×
mark.

Sworn before, &c., 25th day of March, 1835.

(Signed) JOSEPH K. WATTLEY,
Chief Justice.

No. 3.

Before, &c.

Personally appeared Frankey, George Gumbs, and William Gumbs, who, being respectively sworn on the Holy Evangelists of Almighty God, severally make oath and say,—

And, first, the said Frankey saith that Mingo, a slave in Anguilla of Mr. William Gumbs, went to St. Thomas in the same vessel with this deponent, and was sold by him before deponent left St. Thomas, and sent to Porto Rico.

Secondly, George Gumbs saith that he knew Mingo in St. Thomas, and that he was sold and sent to Porto Rico, but does not know to whom he was sold.

Lastly, William Gumbs saith that he knew Mingo in St. Thomas; that he was sold to a coloured person named Da Costa, in whose employment he saw him frequently working, and was present on the wharf when the said Mingo was shipped by Da Costa in his own schooner, the "Chuaico Blanco," to Porto Rico.

(Signed) FRANKEY. ^{her} ×
mark.

(Signed) GEORGE ^{his} × GUMBS.
mark.

(Signed) WILLIAM ^{his} × GUMBS.
mark.

Sworn, &c., 25th March, 1835.

(Signed) JOSEPH K. WATTLEY,
Chief Justice.

No. 4.

Personally appeared Joseph Gumbs and Frankey, who, being respectively duly sworn upon the Holy Evangelists of Almighty God, severally make oath and say,—

And, first, the said Joseph Gumbs saith that he knew Adam, the slave of Mr. William Pitt Hodge, in Anguilla, and saw his master, the said William Pitt Hodge, trying to sell the said Adam at St. Thomas; and this deponent further saith that he, after the said Adam was sold, saw him go on board a vessel bound to the Island of Porto Rico.

Secondly, Frankey saith, that when at St. Thomas, she saw the said Adam taken by two of the Police down to the King's Wharf, and who, in a small boat, conveyed them on board of a Porto Rico vessel.

(Signed) JOSEPH ^{his} × GUMBS.
mark.

(Signed) FRANKEY. ^{her} ×
mark.

Sworn, &c., this 25th March, 1835.

(Signed) JOSEPH K. WATTLEY,
Chief Justice.

No. 5.

Before, &c.

Personally appeared Frankey Carter, Rosey, George Gumbs, and London Ryrie, who, being respectively sworn on the Holy Evangelists of Almighty God, severally make oath and say,—

And, first, Frankey Carter saith that while she was in St. Thomas, about 3 years ago, she saw there Dinah and her 3 children, slaves of Anguilla, belonging to Mr. William Pitt Hodge; they had been sold by him at St. Thomas; they were working as slaves for their Owners, whose names deponent does not know.

Secondly, Rosey saith she saw Dinah and her 3 children at St. Thomas; knows that they were sent to Porto Rico, as she shook hands with Dinah the day she went away; her Owner in St. Thomas, as this deponent believes, was a Miss Charlotte.

Thirdly, George Gumbs saith that he knew Dinah and her 3 children, and saw them at St. Thomas; they were brought from Santa Cruz by Mr. William Pitt; deponent passed by the Vendue Office just after they were sold at Vendue, and met them going down the street below the Big Market, with the person who had just purchased them, whose name deponent did not know; he saw Mr. William Pitt Hodge immediately after at the Vendue Office, and understood he had just sold them.

Fourthly, London Ryrie saith that he was present when Dinah and her 3 children were sold at auction, in presence of Audley, by the direction of Mr. William Pitt Hodge in St. Thomas.

(Signed) ^{her}FRANKEY × CARTER.
mark.

(Signed) ^{her}ROSEY. ×
mark.

(Signed) ^{his}GEORGE × GUMBS.
mark.

(Signed) ^{his}LONDON × RYRIE.
mark.

Sworn, &c., the 25th March, 1835.

(Signed) JOSEPH K. WATTLEY,
Chief Justice.

No. 6.

Before, &c

Personally appeared Joseph Gumbs, George Gumbs, and William Gumbs, free persons, who being respectively sworn on the Holy Evangelists of Almighty God, severally make oath and say,—

First, Joseph Gumbs saith that he knew Tom in Anguilla, the slave of Mr. Fleming, and has seen him frequently at St. Thomas working as a slave, but not with Mr. Fleming; deponent left him there in May last; does not know his Owner.

Secondly, George Gumbs saith that he knew Tom in Anguilla, and saw him at St. Thomas, he was sold to a person in the country, whose name deponent does not know.

Lastly, William Gumbs saith that he knew Tom in St. Thomas as a slave, but does not know the name of his master: he attempted to make his escape to Tortola, but was brought back, and was subsequently sent, as this deponent heard, to Porto Rico.

(Signed) ^{his}JOSEPH × GUMBS.
mark.

(Signed) ^{his}GEORGE × GUMBS.
mark.

(Signed) ^{his}WILLIAM × GUMBS.
mark.

Sworn, &c., this 25th March 1835.

(Signed) JOSEPH K. WATTLEY,
Chief Justice.

No. 7.

Before, &c.

Personally appeared George Gumbs and William Gumbs, who being respectively sworn on the Holy Evangelists of Almighty God, severally make oath and say,—

And first, the said George Gumbs saith that he was formerly the slave of Benjamin Gumbs, Esq., deceased, and accompanied his late master and his family as a free person from Anguilla to St. Thomas, but on his arrival there, he was hired out by him, and treated as a slave by the family until his return to Anguilla; he knows that Jeannette and Abraham, Esther and her son Jack, Bella, Eve, and Adam, were sold after the death of Mr. Gumbs, and were, with the exception of Abraham and Adam, sent to Porto Rico; Abraham was sold to Mr. French, but deponent does not know the name of the person to whom Adam was sold, but left them both at St. Thomas. Deponent heard from Harriet, a fellow-servant, that one evening the police had taken the above-mentioned slaves, who were sent to Porto

Rico, and locked them up in a room in Mr. Gumbs's house until the next morning, when they were shipped.

Secondly, William Gumbs saith that he knows the slaves above-mentioned to have been sold by Mrs. Gumbs, the widow of the late Benjamin Gumbs, at St. Thomas. Adam was sold to a Monsieur Hanks, who keeps a spirit shop near the butcher's stall in St. Thomas, and who put him as an apprentice to a cigar-maker: deponent saw two of the police go down in a bumb-boath with Jeannette, James, Esther, Luke, Bella, and Eve, and ship them from Mr. Tapshire's wharf, on board a shallop belonging to Crab Island, from whence deponent heard that they were sent to Porto Rico. This deponent was informed, that a Mr. Monsanter paid Mr. Gumbs the money for them.

(Signed) GEORGE ^{his} × GUMBS.
mark.

(Signed) WILLIAM ^{his} × GUMBS.
mark.

Sworn, &c, this 25th March 1835.

(Signed) JOSEPH K. WATTLEY.
Chief Justice.

No. 8.

Before, &c.

Personally appeared Violet Gumbs, Bristol Gumbs, and Joseph Brooks, who, being respectively duly sworn on the Holy Evangelists of Almighty God, make oath and say,—

First, the said Violet Gumbs saith that her son Andrew asked his master, Doctor Hodge, to allow him, the said Andrew, to go to St. Thomas to work for himself, which request was acceded to by the said Doctor Hodge, who also told deponent that Mr. Morrison, of St. Thomas, was his attorney, and that he, the said Doctor Hodge, had put the said Andrew under the said Mr. Morrison's charge; and deponent saith that she was told by the said Mr. Morrison himself, in St. Thomas, that some time ago the said Andrew was sold, and sent to the Island of Porto Rico; that the said Doctor Hodge had sent a power of attorney to him, the said Mr. Morrison, authorizing him to sell the said Andrew; that the said Doctor Hodge had got 400 dollars for him, and that deponent never would see the said Andrew again. And this deponent further saith that she has received from Minnah Patterson, of St. Thomas, a Letter, in which she mentions that she had heard of her son Andrew at the Island of Porto Rico, and that he was only allowed 2 hours to sleep was worked day and night, and on Sunday also.

Secondly, Bristol Gumbs saith that he went with Andrew to the Island of Porto Rico; that they were both hired by Mr. Bodaige to work on his estate, called Isidore Platello Town, and that, after they had been in Porto Rico some time, the police took deponent and Andrew, and placed them in confinement. And this deponent further saith, that he, the deponent, was sent back to St. Thomas, when he heard Mr. Morrison say that Andrew was sold by him at Porto Rico.

Thirdly, Joseph Brooks saith that Andrew Gumbs was usually hired out with deponent in St. Thomas; that he knows of his, meaning the said Andrew, going to Porto Rico, and that he, this deponent, has since heard that he was sold there.

(Signed) VIOLET ^{his} × GUMBS.
mark.

(Signed) BRISTOL ^{his} × GUMBS.
mark.

(Signed) JOSEPH ^{his} × BROOKES.
mark.

Sworn before, &c., 25th March, 1835.

(Signed) JOSEPH K. WATTLEY,
Chief Justice.

No. 18.

Before, &c.

Personally appeared Benjamin Hanagan, Joseph Gumbs, Samuel Desbores, Frankey, and George Gumbs, who, being respectively sworn on the Holy Evangelists of Almighty God, severally make oath and say, and,—

First, Benjamin Hanagan saith that he knows Billy, belonging formerly to Belasse Desbores, and Gift his brother, both native slaves of Anguilla, who were taken to St. Thomas, and sold there. Gift was sold to a resident at St. Thomas, whose name deponent does not recollect. Billy was sold by Mr. Belasse, and deponent saw him working with shackles on his feet in St. Thomas, and afterwards saw him from the King's Wharf go on board a vessel which had Spanish colours, bound to Porto Rico.

Secondly, Joseph Gumbs saith that he knows Billy and Gift, slaves of Anguilla, and that they were a short time ago sold at St. Thomas—Gift to a resident there; and that Billy was sold by Mr. Belasse, and went to Porto Rico.

Thirdly, Samuel Desbores saith that he was at St. Thomas when Billy arrived there with Mr. Belasse; saw him taken from the chain gang and go on board a vessel with Spanish colours bound to Porto Rico.

Fourthly, Frankey saith that Billy and Gift went from Anguilla in the same vessel with this deponent to St. Thomas, and were taken by Mr. Belasse and Mr. Benjamin Gumbs, and were sold there. This deponent left Gift at St. Thomas, but Billy was sold at Porto Rico.

Fifthly, George Gumbs saith that he knows Billy and Gift; the latter was sold to Mr. Dochedra, and was at St. Thomas when deponent left there. Billy was taken by Mr. Belasse to Porto Rico. Deponent heard Mr. Belasse tell Billy when he was working in the chain gang to get ready to go to Porto Rico, and saw them go on board a vessel with Spanish colours.

(Signed) BENJAMIN ^{his} × HANAGAN.
mark.

(Signed) JOSEPH ^{his} × GUMBS.
mark.

(Signed) SAMUEL ^{his} × DESBORES.
mark.

(Signed) FRANKEY. ^{her} ×
mark.

(Signed) GEORGE ^{his} × GUMBS.
mark.

Sworn before, &c.

(Signed) JOSEPH K. WATTLEY,
Chief Justice.

No. 19.

Before, &c.

Personally appeared Joseph Gumbs, Rosey, and William Gumbs, who, being respectively duly sworn, make oath and say, and,—

First, the said Joseph Gumbs saith that he knew Pompey, Hester Pyor, and Mingo, and saw them frequently in St. Thomas; that Pompey and Hester were the slaves of one Mr. Ritchie, of St. Thomas, and saw them frequently in that Island; that Pyor was sold to Mr. Da Costa, of St. Thomas, and that Mingo was sold in that Island; but deponent does not remember the name of his purchaser.

Secondly, the said Rosey saith that she knows the above-named slaves; that Pompey and Hester were the slaves of Mr. Ritchie; that Poyer was sold to Mr. Da Costa in St. Thomas, and was sent to Porto Rico; and that Mingo was sold to a person in St. Thomas, whose name deponent does not recollect.

Thirdly, William Gumbs saith that he knew Pompey, Hester Pyor, and Mingo, in St. Thomas; that he often saw Pompey and Hester working as the slaves of Mr. Ritchie; that he knows that Pyor was sold by Mr. Peter Adolphus Hodge to one Mr. Da Costa, of St. Thomas; that deponent heard this from Pyor himself and the grandson of Mr. Da Costa; and this deponent further saith that he was working in the yard of Mr. Da Costa, when he saw Pyor carried on board a Spanish vessel named "*Chuaico Blanco*;" that he saw the vessel sail out from the harbour under Spanish colours, and that Pyor told deponent that she was about to be taken to Porto Rico; and this deponent further saith that he knows that Mingo was sold in St. Thomas, but does not recollect the name of his purchaser, and that he saw the said Mingo working for his master after Mr. Peter Adolphus Hodge had left St. Thomas.

(Signed) JOSEPH ^{his} × GUMBS.
mark.

(Signed) ROSEY. ^{her} ×
mark.

(Signed) WILLIAM ^{his} × GUMBS.
mark.

Sworn, &c., this 25th March, 1835.

(Signed) JOSEPH K. WATTLEY,
Chief Justice.

Second Enclosure in No. 15.

Extract of a Letter from Captain Jones to Sir E. J. Murray Macgregor.

"*Vesta*" at Sea, 19th June, 1836.

"I PROCEEDED on the 25th to St. Juan di Porto Rico, off which place I arrived the following day, but when I landed to pay my respects to the Captain-General, I had the mortification to find that he was absent on a tour in a distant part of the Island, and that the time of his return was uncertain; though the Lieutenant-Governor expected him soon, and even in a few days. It was in vain, however, that I endeavoured to engage this functionary in any discussion on the business of my mission. He professed his total inability to enter into any affair of the kind in the absence of the Captain-General, nor could I persuade him to refer to any Register of Secretary for the result of those inquiries which my Instructions led me to suppose had been instituted last year, to ascertain the number of British negroes in Porto Rico. The most I could obtain was a promise that any letter which I thought fit to write to the Captain-General should be immediately forwarded to him by express. I therefore wrote the Letter (No. 1.) which was sent with your Excellency's Letter addressed to the Captain-General.

"I had promised to return for an answer in 8 days, and I arrived punctually off St. Jean de Porto Rico on the 2d June, and sent a Lieutenant on shore with a Letter (No. 2.) addressed to the Captain-General. His Excellency was still absent, and was not now expected to return under 14 days. He was said to be at Ponce, on the south side of the Island, and thither I resolved to proceed immediately in quest of him; but on the 1st June I received intelligence which materially affected my own

position, and induced me to change my plans. By this time I had seen good reason to fear that the success of my mission at Porto Rico was doubtful at best, and would probably be attended with much delay; for though the Spaniards made an outward show of cold civility, I could by no means reckon upon the cordial co-operation which I received from the Danish Authorities, and without which no favourable result could be expected. There was room to apprehend that, when I could no longer be amused and kept from an interview with the Captain-General, difficulties would be made as to the terms on which the liberation of the slaves would be agreed to. As I had now obtained an insight into the high value that was placed upon slaves in Porto Rico, I began to foresee that very serious obstacles to my success might arise from that source, I therefore deemed it advisable to profit by the delays occasioned by the uncertain movements of the Captain-General, to arrive at a clear preliminary understanding with him, as to the footing on which we should treat for the redemption of the slaves within his Government; with this view I addressed to him the Letter No. 3, which I hope your Excellency will approve of, in as far as I have ventured to make use of your name."

Third Enclosure in No. 15.

Extract of a Letter from Captain Jones to Vice-Admiral Sir Peter Halkett, G.C.H.

His Majesty's ship "Vestal" at Sea, 16th July, 1836.

"But at Porto Rico, owing to the absence of the Captain-General from the seat of Government, no satisfactory progress was made, and I am inclined to believe that no other result will be obtained in that Island, except by virtue of a Royal Order from Spain; the grounds of this belief, and the details are fully set forth in the Letter which, under Sir George Cockburn's Instructions, I addressed to Sir Evan J. Murray M'Gregor, and to the Copy of which, enclosed, I beg leave to refer you for the state of the business, as far as it came under my management."

No. 16.

Viscount Palmerston to Mr. Villiers.

SIR,

Foreign Office, 10th August, 1837.

I HAVE received and laid before the Queen your Despatch, marked Slave Trade, of the 18th June last, enclosing the Translation of a Note addressed to you by M. Calatrava, in explanation of the delay in the enactment of a law for the punishment of Spanish subjects convicted of being engaged in the Slave Trade.

This delay is attributed by M. Calatrava to the necessity of obtaining the concurrence of the Cortes to the promulgation of any new penal law; and I have therefore to instruct you to urge the Spanish Government, to propose the law in question to the present Cortes at an early period, in order that time may be given for its consideration and adoption by that body, before the close of the present Session.

G. W. F. Villiers, Esq.
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

No. 17:

Mr. Villiers to Viscount Palmerston.—(Received August 14.)

MY LORD,

Madrid, 5th August, 1837.

I HAVE the honour to enclose the Copies and Translations of a Note, and its Enclosure, which I have received from M. Calatrava respecting the form of Bond to be required from the owners of vessels entering outwards casks intended to contain palm oil.

As no objection is made to the principle of this most necessary measure, and that there appears only to exist a doubt on the part of the Spanish Government, as to the form in which it shall be carried into effect, I have addressed a further Note to M. Calatrava upon the subject, of which I herewith enclose the Copy to your Lordship.

I have, &c.
(Signed) GEORGE VILLIERS.
The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 17.

(Translation.)

M. Calatrava to Mr. Villiers.

SIR,

Madrid, 27th July, 1837.

FROM the enclosed Copy of the Reply which the Minister of Finance has given to the communication which I made to him respecting your request, that in order to carry into effect the 10th Article of the Treaty between Spain and Great Britain, concluded in 1835, for the Suppression of the Slave Trade, that the Captains of Vessels, who carry on board an extraordinary number of casks or vessels,

should be required to give the same Certificates and Bonds as your Government has ordered should be required from the Captains of British Vessels; you will perceive that Her Majesty's Government has no objection to dispose that, in conformity with the Spanish law, the Bonds given as security by the Captains and Masters, who are capable of giving it, should only bear the general clause, that "the property which they comprise remains tied up as long as the Document is not cancelled."

I have the honour of making you this communication, requesting you to inform me if it is in conformity with your wishes, in which case Her Majesty's Government will order the said determination to be published and executed.

The British Minister,
&c. &c.

I avail myself, &c.
(Signed) JOSE M. CALATRAVA.

Second Enclosure in No. 17.

(Copy.)

Mr. Villiers to M. Calatrava.

SIR,

Madrid, 31st July, 1837.

I HAVE have the honour to acknowledge the receipt of your Excellency's Note of the 27th inst., enclosing the answer of the Minister of Finance, respecting the form of Bond to be required from the Owners of vessels trading to the Coast of Africa, entering outwards an extraordinary number of casks to contain palm oil, according to the 10th Article of the Treaty between Great Britain and Spain, concluded in 1835, for the suppression of the African Slave Trade.

I observe, from the statement of the Minister of Finance, that no objection exists to the adoption of the form of Bond used by the British Government, and of which I had the honour to enclose to your Excellency's predecessor a translation, in my Note of the 9th of June, 1836, with the exception of the clause which binds the heirs, administrators, and executors to fulfil the conditions of the Bond. I have the honour to remark that I cannot but think that this clause has been misunderstood; it is not intended thereby, as is supposed by the Minister of Finance, to bind personally the heirs, administrators, and executors to the execution, but only so far as the property they inherit or hold in deposit will bear out the claim to which the estate of the deceased has been made liable.

In this point I believe the legislation of the two countries is precisely similar. By forwarding to your Excellency, however, the forms of Bond and Certificate, it was not meant, in any way, to insist upon the Spanish Government also adopting them, but simply as a means of preserving a certain uniformity between the documents used by the two countries in carrying into effect the Treaty. Any form which is binding upon a Spanish subject, and thus affords the security contemplated by the 10th Article of the Treaty, will be satisfactory to the Government of Her Britannic Majesty; and it is exceedingly urgent that that form, whatever it is, may be adopted with as little delay as possible, in order that it may be sent to the Mixed Courts of Commission, to assist them in coming to just decisions on the cases brought before them.

I beg, therefore, to press upon your Excellency the propriety of urging upon the Minister of Finance the necessity which exists for his causing to be drawn up immediately any such forms as may be binding according to the laws of Spain; and I have the honour, at the same time, to request, that, on your Excellency's receiving them, they may be forwarded to me without delay for transmission to the colonies.

His Excellency Don Jose Maria Calatrava,
&c. &c. &c.

I have, &c.
(Signed) GEORGE VILLIERS.

Third Enclosure in No. 17.

(Translation.)

M. Mendizabel to M. Calatrava.

MOST EXCELLENT SIR,

Madrid, 22d July, 1837.

THE Queen Regent has been made acquainted with the inquiries set on foot, in consequence of a communication from your office, of the 27th of June last year, enclosing a Note from the British Minister at this Court, in which, in order to carry into effect the 6th Clause of the 10th Article of the Treaty concluded between Great Britain and Spain, on the 28th June 1835, for the suppression of the Slave Trade, it is wished that, on the part of the Spanish Government, they should require from the Owners or Captains of vessels, entering outwards an extraordinary number of casks or vessels, the same form of Certificates and Bonds as that which the British Government requires from its own subjects. The object of these Bonds and Securities is to prevent that the Privateers and Masters of British and Spanish vessels should carry on a contraband traffic of slaves with infraction of the Treaty; and although Her Majesty has no objection to the adoption of what is proposed, still her conformity with it can never go beyond what is permitted by the laws of the kingdom to which it is necessary that the Government should accommodate its dispositions. According to them, guarantees, and all classes of obligations, do not bind or affect the persons, but only the property upon which they are formed; the said property remains responsible for the Bond until the Document is cancelled; but the executors are not responsible for the obligations contracted by the testators, as also the heirs are only so far bound as is the property they inherit; consequently, it is impossible to adopt the clauses contained in the form of Bond No. 2 of those enclosed by the British Minister in his Note.

Notwithstanding, the object which the British Government has proposed to itself with these Documents, for carrying into effect the said 6th Clause of the 10th Article of the Treaty, can be completely fulfilled without necessity of infringing our laws, Her Majesty has been pleased to resolve that, in conformity with them, the Bonds taken as security from the Captains and Masters who can give it, should only bear the general "clause, that the property comprised under it remains bound as long as the Document is not cancelled," the said British Minister to be informed of this resolution before its being circulated and made public, in order that he may express his concurrence, and that future complaints be avoided.

I communicate this to your Excellency by Royal Order, &c.

(Signed)

JUAN ALVAREZ Y MENDIZABEL.

His Excellency Don Jose Maria Calatrava,
&c. &c. &c.

No. 18.

Mr. Villiers to Viscount Palmerston.—(Received August 19.)

MY LORD,

Madrid, 12th August, 1837.

I HAVE the honour to enclose the Copy and Translation of a Note which I have received from M. Calatrava, in acknowledgment of mine dated the 31st ultimo, respecting the Bond to be required for empty casks destined to contain palm oil.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.
 &c. &c. &c.

Enclosure in No. 18.

(Translation.)

M. Calatrava to Mr. Villiers.

SIR,

Palace, 7th August, 1837.

I HAVE communicated to the Minister of Finance that which you have been pleased to state to me, in your Note of the 31st of July last, respecting the Bond to be required from the Captains or Owners of vessels entering outwards empty casks or barrels destined to contain palm oil; recommending to him, at the same time, to decide, with all possible speed, upon the terms in which that Bond is to be drawn up, and to issue the proper orders for giving full effect to it, and that the stipulation in the 6th Clause of 10th Article of the Treaty of the year 1835, for the suppression of the Slave Trade, may be carried into full execution; informing me of the resolution which shall be adopted, in order that I may communicate it to you. All which I have the honour to state to you in answer to your above-mentioned Note.

Upon this occasion I reiterate to you the assurances, &c.

The British Minister,
 &c. &c.

(Signed) JOSE M. CALATRAVA.

No. 19.

Viscount Palmerston to Mr. Villiers.

SIR,

Foreign Office, 23d August, 1837.

I HEREWITH transmit, for your information, the Copy of a Despatch and of its Enclosures, from Her Majesty's Commissioners at the Havana, upon the subject of an infraction of the Treaty of June 28, 1835, on the part of Lieutenant Cruz, of Her Catholic Majesty's ship "*Teresita*," who, it appears, has neglected to bring before the Mixed British and Spanish Court of Justice the Spanish schooner "*Matilde*," which he had seized for being equipped for the Slave Trade.

I have to instruct you to communicate the facts of this Case, as detailed in the enclosed Papers, to the Spanish Government, and to express the hope of Her Majesty's Government, that an inquiry will be set on foot into the circumstances under which this vessel was seized, carried into St. Jago de Cuba, and, as it is reported, released by the Authorities there; and Her Majesty's Government also trust, that the necessary orders will be issued, to ensure a more exact compliance with the stipulations of the Treaty on the part of the Officers of Her Catholic Majesty's Navy.

I am, &c.

G. W. F. Villiers, Esq.
 &c. &c.

(Signed) PALMERSTON.

No. 20.

Mr. Villiers to Viscount Palmerston.—(Received September 3.)

MY LORD,

Madrid, 26th August, 1837.

I HAVE had the honour to receive your Lordship's Despatches, marked Slave Trade, of the 8th, 9th, and 10th instant.

In conformity with the instructions contained in your Lordship's Despatch of the 8th instant, I have addressed a Note to M. Bardaji, the Copy of which I herewith enclose, respecting the ill-treatment to which liberated negroes are exposed in the Island of Cuba, and stating, that Her Majesty's Government is willing to remove them, without distinction of age or sex, to the British Colonies.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.
 &c. &c. &c.

Enclosure in No. 20.

(Copy.)

Mr. Villiers to M. De Bardaji y Azara.

SIR,

Madrid, 25th August, 1837.

I HAVE the honour to inform your Excellency that, on making a representation to your Excellency's predecessor, M. Isturiz, on the 27th May, 1836, complaining of the non-execution of those stipulations of the Treaty for the Suppression of the Spanish Slave Trade of 1817, which provided for the good treatment of negroes under that Treaty, M. Calatrava replied to my representations in a Note addressed to me, under date of the 28th April last.

I regret to have to state to your Excellency that M. Calatrava's answer, which contains only a general denial of the facts reported to Her Britannic Majesty's Government, with a summary of the Regulations now in force for the treatment of emancipated negroes in Cuba, is not considered by my Government as satisfactory.

The complaint of Great Britain was not so much of any defect in the Regulations themselves, as of the manner in which they are allowed to remain unexecuted and disregarded.

The Despatch of the Captain-General of Cuba (the substance of which is recapitulated in M. Calatrava's Note above mentioned) indeed states that he has put an end to the contribution of 17 dollars formerly exacted on the hiring of each negro, and which was applied to the support of public establishments; but, in the same Despatch, it appears that, in the distribution of the emancipated negroes, a preference is given to those persons who have rendered some public service, or who have contributed voluntary donations to public works; but there is manifestly little or no difference, in principle, between this method of taking money on the hiring out of the negroes and that which the Captain-General makes a merit of having put an end to.

I have, moreover, the honour to observe to your Excellency that, while it is admitted that the Treaty of 1817 contains no positive stipulation under which the negroes are entitled to reside in the Havana, still, according to the spirit of that Treaty, the Authorities are bound not to allow the negroes to be taken by their masters to such a distance as shall preclude the possibility of their being carefully watched over and protected.

The negroes are, it seems, hired out to proprietors of land, that is to say, of sugar and coffee estates; and, when once removed from the neighbourhood of the city, and employed with other negroes in a state of slavery, it is obvious that their condition will be eventually assimilated with that of the slaves with whom they are put to work, for they must be entirely at the mercy of their masters, and utterly unable to avail themselves of the protection of the Government, however good the regulations for their treatment may be, and however heavy the punishment denounced by the law for those who may do them wrong.

Upon these considerations, I have been instructed to express to your Excellency the regret with which Her Britannic Majesty's Government perceives that the only fruit produced by the Royal Order to the Captain-General of Cuba on the subject, last year, is a mere recapitulation, by that officer, of Regulations, unsupported by any statement of facts showing that these Regulations are duly executed; while, on the other hand, Her Britannic Majesty's Government continues to receive information from the Havana, which places the present deplorable condition of the emancipated negroes beyond the possibility of doubt. But, hopeless as the case seems to be, I am instructed to state to your Excellency that one course still remains open, by the adoption of which these negroes may at length obtain the good treatment and complete freedom to which they are entitled, and which it seems impossible to secure for them in Cuba. Great Britain is willing to relieve that island from the burthen of these negroes by removing them, without distinction of age or sex, to the British Colonies, where, under the protection of British law, and among freed men of their own colour, they will run no risk of being treated as slaves, or of relapsing into a state of slavery through the bad faith or cupidity of slave owners, to whose care they must unavoidably be committed under the system at present in force in the Island of Cuba.

I have the honour to request your Excellency's early attention to this proposal, that, in case of Her Catholic Majesty's Government consenting to it, immediate arrangements may be made for carrying it into execution.

His Excellency M. De Bardaji y Azara,
&c. &c. &c.

I have, &c.
(Signed) GEORGE VILLIERS.

No. 21.

Mr. Villiers to Viscount Palmerston.—(Received September 3.)

MY LORD,

Madrid, 26th August, 1837.

I HAVE the honour to enclose the Copy of a Note, which, in conformity with the instructions contained in your Lordship's Despatch, marked Slave Trade, of the 10th instant, I have addressed to M. Bardaji, requesting that a law, for the severe punishment of all persons concerned in the Slave Trade, may be presented by the Government to the Cortes during the present Session of that Body.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 21.

(Copy.)

Mr. Villiers to M. De Bardaji y Azara.

SIR,

Madrid, 25th August, 1837.

I HAVE the honour to refer your Excellency to a communication made to your Excellency's predecessor, of the 6th of April last, in which I reminded his Excellency of the Article of the Treaty

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for the Suppression of the Slave Trade, concluded between Great Britain and Spain, in 1835, which stipulates that a law shall be enacted for inflicting a severe punishment on Spanish subjects convicted of being engaged in this traffic.

M. Calatrava informed me that the reason of the great delay that had taken place in the passing of this law was attributable to the necessity of obtaining the concurrence of the Cortes to the promulgation of any new penal law.

I have been therefore instructed by my Government to urge upon your Excellency the propriety of proposing the law in question to the present Cortes, with the least possible delay, in order that time may be given for its consideration and adoption by that body before the close of the present Session.

His Excellency M. De Bardaji y Azara.
&c. &c. &c.

I have, &c.
(Signed) GEORGE VILLIERS.

No. 22.

Mr. Villiers to Viscount Palmerston.—(Received September 17.)

MY LORD,

Madrid, 9th September, 1837.

I HAVE the honour to enclose the Copy of a Note, which, in conformity with the instructions contained in your Lordship's Despatch, marked Slave Trade, of the 9th ultimo, I have addressed to M. Bardaji, respecting the detention of 14 negroes at Porto Rico.

I have, &c.
(Signed) GEORGE VILLIERS.

P.S.—Since writing the above, I have received from M. Bardaji a Note, of which I have the honour to enclose a Copy and Translation.

(Signed) G. V.

The Right Hon Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 22.

Mr. Villiers to M. De Bardaji y Azara.

SIR,

Madrid, 4th September, 1837.

I HAVE the honour to inform your Excellency that I have received Instructions from my Government to make an application to that of Her Catholic Majesty respecting certain British negroes who, it is supposed, are detained as slaves in the Island of Porto Rico.

Evidence has been laid before the Government of Her Britannic Majesty, by which it would appear that, about the year 1832, 19 British slaves were removed from Anguilla to the Island of St. Thomas, and were there sold, and that, of this number, 14 were transferred to Porto Rico.

In the year 1836, a British vessel of war was employed to visit St. Thomas's and Porto Rico, for the purpose of recovering such British negroes as might be found in those islands. In the Danish island no difficulty was experienced in effecting the freedom of the British subjects there held in slavery; but, at Porto Rico, no satisfactory result was obtained; and the Report of the Officer charged with the Commission gives reason to believe that there is not any prospect of recovering these negroes, except by the direct interference of the Government of Her Catholic Majesty in their behalf.

I have therefore received instructions to lay before your Excellency the enclosed translations of Depositions on oath of the parties who speak to the transfer of these negroes to Porto Rico, with a view of guiding and assisting the inquiries of the Local Authorities in Porto Rico, and to request that peremptory orders may be issued to the Captain-General of that island to cause a strict search to be set on foot, not only for the 14 negroes named in the evidence, but for any others, the subjects of Great Britain, who may be held in slavery in that island, and to lend all the aid in his power to any Officers of Her Britannic Majesty who may be employed to procure for such individuals the enjoyment of those privileges, as free men, to which they are entitled in their capacity of subjects of Her Majesty.

His Excellency M. De Bardaji y Azara,
&c. &c. &c.

I have, &c.
(Signed) GEORGE VILLIERS.

Second Enclosure in No. 22.

M. De Bardaji y Azara to Mr. Villiers.

(Translation.)

SIR,

Palace, 8th September, 1837.

I THIS day forwarded to the Minister of Marine, Commerce, and Colonies, a Copy of the Note which you addressed to me on the 4th instant, together with the other Documents which accompanied it, in order that, through his office, the most positive Orders may be addressed to the Captain-General of Porto Rico, directing him to proceed, without delay, to the emancipation of the British negroes who, in the manner mentioned in those Documents, are detained as slaves in that island.

I avail, &c.
(Signed) EUSEBIO DE BARDAJI Y AZARA.
The British Minister,
&c. &c.

No. 23.

Mr. Villiers to Viscount Palmerston.—(Received Sept. 17th, 1837)

MY LORD,

Madrid, September 9, 1837.

I HAVE had the honour to receive your Lordship's Despatch, marked Slave Trade of the 23rd ultimo.

In obedience to the instructions it contained, I have addressed a note, of which I enclosed the Copy to M. Bardaji, complaining of the conduct of Lieutenant Cruz of the "*Teresita*," in not bringing a slave ship, which he professed to have captured, for adjudication before the mixed Court of Justice at the Havana.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 23.

Mr. Villiers to Mr. Bardaji.

(Copy.)

SIR,

Madrid, 7th September, 1837.

I HAVE the honour to call your Excellency's attention to a very glaring infraction of the Treaty of 28th June, 1835, for the Suppression of the Slave Trade, which, it appears, has been committed by Lieutenant Cruz, the Commander of Her Catholic Majesty's ship "*Teresita*," on the coast of Cuba.

On the 4th May last Captain Jones, of her Britannic Majesty's ship "*Vestal*," proceeding on his voyage from Port au Prince to Santiago de Cuba, descried a schooner of very suspicious appearance lying at anchor in the entrance of the harbour of Guautanamo; Captain Jones immediately took the proper steps to ascertain the character of this vessel, which had every appearance of being a Pirate. And on sending an officer on board, the people declared that she was a prize to the "*Teresita*" Pilot-boat, in the service of Her Catholic Majesty, which was presently confirmed by Lieutenant Cruz, the Commander of that vessel, who came himself and stated, that he had that day seized the schooner under the Provisions of the late Treaty with Great Britain, for being fitted out for the Slave Trade. And it appeared that Lieutenant Cruz had been fully justified in so doing; for, according to the testimony of the officer and others who examined the schooner, it appears that she was equipped exactly in the manner described in the Article which directs the Capture of Vessels prepared for the reception and detention of Slaves.

Your Excellency is well aware that all cases of this kind can only be tried before the Courts of Mixed Commission, appointed for the especial purpose.

I have, however, the honour to inform your Excellency that, up to the date of the last Despatches from the Havana, Lieutenant Cruz had never brought in his prize for adjudication before the said Court, the Judges of which had accordingly applied to the Captain-General on the subject, but they had received no satisfactory answer.

I have in consequence received instructions from my Government to urge upon your Excellency the necessity of immediately setting on foot an inquiry into the circumstances under which this vessel was seized, carried into Santiago de Cuba, and, as it is reported, released by the authorities there. And to state that Her Britannic Majesty's Government also trust that orders will be issued to ensure a more exact compliance with the Stipulations of the Treaty on the part of the officers of Her Catholic Majesty's navy.

I have, &c.

(Signed)

GEORGE VILLIERS.

No. 24.

Sir George Villiers to Viscount Palmerston.—(Received Sept. 27.)

MY LORD,

Madrid, Sept. 16th, 1837.

WITH reference to my Despatch of the 9th instant, I have the honour to enclose the Copy and Translation of a note which I have received from M. Bardaji, informing me that orders have been issued for inquiry into the conduct of Lieutenant Cruz of the "*Teresita*."

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 24.

M. Bardaji to Sir George Villiers.

SIR,

Madrid, 14th September, 1837.

I HAVE the honour to inform you in reply to the Note which you were pleased to address to me on the 7th instant, in which complaint is made of an infraction of the Treaty for the Suppression of the Slave Trade, which, it appears, has been committed by Lieutenant Cruz, of Her Majesty's ship "*Teresita*," on the coast of Cuba; that having taken into the most serious consideration all your

observations upon the subject, I have transmitted it to the Minister of Marine and Colonies, in order that the certainty of the said complaint being verified, the guilty party may be proceeded against with all rigour.

Sir George Villiers, G. C. B.
&c. &c. &c.

I avail myself, &c.
(Signed) EUSIBIO DE BARDAXI Y AZARA.

No. 25.

Viscount Palmerston to Mr. Villiers.

SIR,

Foreign Office, October 6th, 1837.

REPRESENTATIONS having been made to this Office through the Colonial Department, of the inconvenience suffered by the negroes of the "*Empresa*," in consequence of their detention on board the vessel, after the sentence had been signed, in order that the descriptive list necessary for the completion of the proceedings of the Mixed Court might be made out; I addressed an instruction to Her Majesty's Commissioners at the Havana, desiring them to propose to the Mixed Court, that, for the future, when the sentence condemning a slave vessel is signed, the negroes should be placed at the disposal of the British Superintendent, as soon as that officer should notify that he is prepared to receive them.

I now transmit to you the Copy of a Despatch and of its Enclosures from Her Majesty's Commissioners, by which you will perceive, that their Spanish Colleagues have refused to accede to this proposal.

It is evident indeed from the Reply of the Spanish Commissioners, that those gentlemen have misunderstood the application made to them by the British Commissioners. They consider, that the effect of their consenting to the proposed arrangement would be, to make the Delivery of the Negroes to the Superintendent dependent upon a notice from that Officer that he is ready to receive them, a condition which they very truly state is not contained in the Treaty; and as they add, that it is not lawful for them to explain the Articles of the Treaty, it has appeared to Her Majesty's Government, that it would be better to address the Spanish Government at once upon the subject, instead of instructing the British Commissioners to discuss the subject farther with their Colleagues, with a view of setting them right, as regards their misconception of the object of the arrangement in question.

I have now, therefore, to request, that you will bring the matter under the consideration of the Spanish Government, and express the earnest wish of Her Majesty's Government, that the Spanish Commissioners at the Havana may be furnished with instructions, to accede at once to the proposed arrangement.

It is true that Article 6 Annex B. stipulates that "the slaves shall receive from the Court a Certificate of emancipation, and shall be delivered over to the Government to whom the Cruiser which made the capture belongs."

But Article 2 of Annex C states that "*immediately after sentence of condemnation on a vessel charged with being concerned in illegal Slave Trade, shall have been passed by the Mixed Court of Justice, established under the Treaty to which these Regulations form an Annex, all negroes who were found on board of such vessel, and who were brought on board for the purposes of traffic, shall be delivered over to the Government to whom belongs the Cruiser which made the capture:*" and Her Majesty's Government trust, that the preference will be given to that stipulation of the Treaty, which would secure to the negroes the earliest possible release from their sufferings in a slave ship.

It may also be argued, that the proposed arrangement is not only desirable on the score of humanity to the negroes, but as tending greatly to facilitate the very proceedings on account of which their detention on board the slave vessel has been thought requisite; for, after the negroes have been removed to a clean and roomy vessel, the officer of the Court will have far less difficulty, in making out the descriptive List of the persons to whom Certificates of Emancipation are to be delivered, than he would experience in performing this duty on board a crowded and unwholesome slave vessel.

G. W. F. Villiers, Esq.
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

No. 26.

Mr. Villiers to Viscount Palmerston.—(Received Oct. 9.)

MY LORD,

Madrid, 30th September, 1837.

I HAVE the honour to enclose the Copy and Translation of a Note which I have received from M. Bardaxi, informing me that Instructions had been sent to the Captain General of the Havannah to afford to Lieutenant Jenkins, of Her Majesty's Ship "Romney," all the protection and assistance that he may require in the execution of his duty.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Lord Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Translation.)

Mr. Bardaxi to Mr. Villiers.

SIR.

Madrid, September 20th, 1837.

I HAVE the honour to inform you, in reply to the note which you were pleased to address to my predecessor, on the 12th of July last, in which, by order of your Government, you communicated that Her Britannic Majesty's ship "Romney," under the command of Lieutenant Jenkins, was about to be sent to the Havannah, to serve there as a depôt for the reception of liberated negroes; that I have transmitted to the Captain-General of the island of Cuba what is expressed in your above-mentioned communication; desiring him, by order of Her Majesty, to afford all the protection to Lieutenant Jenkin which is due, and to give every assistance to him in the discharge of his mission.

I avail myself, &c.

(Signed)

EUSEBIO DE BARDOXI Y AZARA.

The British Minister,

&c. &c. &c.

No. 27.

Viscount Palmerston to Mr. Villiers.

SIR,

Foreign Office, October 11, 1837.

I HEREWITH transmit to you the Copies of a Despatch, and of its Enclosures from Her Majesty's Commissioners at the Havana, reporting the sale of a number of bozal negroes in that city; and I have to instruct you to bring under the notice of the Spanish Government this public violation of the laws of Spain, and of the Treaty between Great Britain and that Country, for the Abolition of the Slave Trade.

It appears from the correspondence transmitted to this office by the Commissioners, that the Commissioners reported the fact of the sale to the Captain General, and that two days were allowed to elapse, before the place named as the scene of the transaction was visited by the Police; and, as was naturally to be expected, during such a lapse of time, the offending parties took care to remove all the bozal negroes from the premises.

The Assessor, in his report of the search which was made, does not throw any doubt upon the correctness of the information, which was given by the Commissioners; but he attributes the escape of the guilty parties, and the removal of the proofs of their crime, to want of vigilance, and neglect on the part of the officer of the ward. But it is obvious, however, that, if the Captain General had lost no time in instituting an inquiry into the facts, immediately upon receiving the Report of the Commissioners, the offenders would probably not have escaped; and you will therefore point out to the Spanish Government, that the delay which took place in this case, upon the frivolous pretext put forward by the Captain General, was a practical protection of the offence; and affords a proof of the remissness with which the Authorities at the Havana execute their duties in everything that relates to the suppression of the Slave Trade.

I am, &c.

G. W. F. Villiers, Esq.

(Signed)

PALMERSTON.

&c.

&c.

Enclosure in No. 27.

Havana Commissioners, June 30, 1837.

(See Class A.)

No. 28.

Sir George Villiers to Viscount Palmerston.—(Received Nov. 6.)

MY LORD,

Madrid, October 28th, 1837.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked "Slave Trade," of the 6th instant. In conformity with the instructions it contains I have addressed a note to M. Bardaxi, of which I herewith enclose the Copy.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 28.

Sir George Villiers to M. Bardaxi.

SIR,

Madrid, 27th October, 1837.

I HAVE received the Instructions of my Government to propose to the Government of Her Catholic Majesty a measure of humanity arising out of the execution of the Treaty for the Suppression of the Slave Trade of 1835.

According to the present practice of the Mixed Court of Justice in the Havana, after sentence of condemnation is pronounced against a vessel for having been employed in the traffic of Slaves, the negroes remain on board the vessel until a descriptive list is made of the individuals, in order that their certificate of liberation may be duly drawn out.

This practice is in conformity with Article 6, Annex B, of the treaty which stipulates that "the Slave shall receive from a Court a Certificate of Emancipation, and shall be delivered over to the Government to whom the cruiser which made the capture belongs." But Article 2, of Annex C, states that *immediately* after sentence of condemnation on a vessel charged with being concerned in illegal Slave Trade shall have been passed by the Mixed Court of Justice established under the Treaty to which these Regulations form an annex, all Negroes who were found on board such vessel, and who were brought on board for the purposes of traffic, shall be delivered over to the Government to whom belongs the cruiser which made the capture.

If the latter stipulation be adopted in practice instead of the former one, the Negroes found on board a condemned vessel would, on sentence being pronounced, be immediately taken out of the small and generally unhealthy ship in which they are crowded together, and placed in a large and salubrious one, where the descriptive list which, according to the first quoted article, must be made in the slave vessel itself, could be drawn up with far more convenience to the persons whose duty it is to do it, and with a great relief to the suffering Negroes.

Your Excellency will perceive that this is a difference which, in no respect, deviates from the spirit of the Treaty, and is in strict conformity with the letter of one of its clauses. My Government therefore trusts that your Excellency will see no objection to causing the preference to be given to the interpretation which is most favourable to the cause of humanity, and be pleased to direct the Spanish members of the Mixed Court of Justice in the Havana to act according to Article 2 of Annex C, and in the case of the capture being made by a British ship of war, to deliver up to the British superintendent, as soon after the condemnation of the slave vessel as he shall be prepared to receive them, the Slaves found on board.

Your Excellency will perceive that the only difference this can make in the execution of the Treaty is in the place where the Certificate of Emancipation is made out; whereas, on the other hand, numerous lives and much suffering to the unfortunate negroes will be saved by their immediate removal, after condemnation, from the slave vessel.

M. Bardaxi,

&c. &c. &c.

I have, &c.,

(Signed)

GEORGE VILLIERS.

No. 29.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, November 14th, 1837.

I HEREWITH transmit to you the Copy of a Despatch and of its enclosures from Her Majesty's Commissioners at the Havana, notifying the arrival in that Port of the "Romney," the hulk which is to serve as a receiving ship for the negroes emancipated by Decree of the British and Spanish Mixed Court of Justice established under the Treaty of June 28th, 1835, with Spain, for the abolition of the Slave Trade.

From the correspondence enclosed in this Despatch it appears, that the Captain General has demanded the removal of certain free negroes, belonging to Her Majesty's 2nd West India Regiment, who have been appointed to do duty as marines on board the "Romney," and has threatened to arrest them should they land upon the island; and that he founds his opposition to the presence of these individuals within the limits of the Colony, upon the Royal Orders of March 12th, 1837, in which he is charged, not to permit in any manner the introduction of free negroes, under any pretext whatever, into Cuba.

I have now therefore to instruct you to lay the case before the Spanish Government; and to request, that such orders may be issued to General Tacon upon this point, as may remove the scruples, which a too literal interpretation of his orders seems to have raised in his mind.

It is obvious, that when the Spanish Government directed him not to permit any free persons of colour to be introduced into Cuba, that Government could not have intended its order to extend to the soldiers in Her Majesty's service, who are necessarily employed as a guard on board the "Romney."

You will also take the occasion to draw the attention of the Spanish Government to the considerations pointed out by Dr. Madden, as rendering the Black Troops peculiarly well fitted for a duty which must be performed; and you will express the hope of Her Majesty's Government, that the men so employed may not be kept perpetually prisoners on board the hulk, but may be permitted to enjoy occasionally, and under proper regulations, the indulgence of going ashore.

I am, &c.

(Signed) PALMERSTON.

Sir George Villiers, G.C.B.
&c. &c. &c.

Enclosure in No. 29.

Havana Commissioners, September 23, 1837.
(See Class A.)

No. 30.

Mr. Villiers to Viscount Palmerston.—(Received Nov. 14.)

MY LORD,

Madrid, 4th November, 1837.

I HAVE had the honour to receive your Lordship's Despatch marked Slave Trade of the 11th ultimo.

In conformity with the instructions contained therein, I have addressed a note to M. Bardaxi, of which I enclose the copy to your Lordship, respecting the sale of bozal negroes at the Havana.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 30.

Mr. Villiers to M. Bardaxi.

SIR,

Madrid, 3rd November, 1837.

I HAVE the honour to inform your Excellency that I am instructed by my Government to bring under the notice of your Excellency a public violation of the laws of Spain and of the Treaty between Great Britain and this country for the abolition of the Slave Trade, which has been permitted in the Havana.

In that city the sale of a number of Bozal Negroes has been allowed after being publicly announced, and it appears from the Correspondence of Her Britannic Majesty's Commissioners at the Havana, that after they reported the fact to the Captain-General that such a sale was advertised as being about to be consummated, two days were allowed to elapse before the place named as the scene of the transaction was visited by the Police, and, as was naturally to be expected, during such a lapse of time, the offending parties took care to remove all the Bozal Negroes from the premises.

The Correspondence which took place on the subject, between Her Britannic Majesty's Commissioners and the Captain-General of Cuba, has been transmitted to my Government; and I have the honour to observe, that the Assessor of the Captain-General, in his report of the search which was made, does not throw any doubt upon the correctness of the information which was given by the Commissioners; but he attributes the escape of the guilty parties, and the removal of the proofs of their crime, to want of vigilance and neglect on the part of the officer of the ward. It is obvious, however, that if the Captain-General had lost no time in instituting an inquiry into the facts immediately upon receiving the report of the Commissioners, the offenders would probably not have escaped.

Thus I regret to have to observe, that the delay which took place in this case, upon the frivolous pretext put forward by the Captain-General, was a practical protection of the offence, and affords a proof of the remissness with which the authorities at the Havana execute their duties in everything that relates to the suppression of the Slave Trade.

I have, &c.

(Signed) GEORGE VILLIERS.

His Excellency
Don Eusebio de Bardaxi y Ayara,
&c. &c. &c.

No. 31.

Sir George Villiers to Viscount Palmerston.—(Received Dec. 12.)

MY LORD,

Madrid, 3rd December, 1837.

I HAVE the honour to enclose the copy of a note which, in obedience to the instructions contained in your Lordship's Despatch, marked Slave Trade of the 14th ultimo, I have addressed to M. Bardaxi respecting the free negroes belonging to Her Majesty's Second West Indian Regiment, who have been appointed to do duty on board the receiving ship "Romney."

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 31.

Sir G. Villiers to M. Bardaxi.

SIR,

Madrid, 2nd December, 1837.

I HAVE the honour to inform your Excellency, that Her Britannic Majesty's Government have received intelligence of the arrival at the Havana, of the "Romney," the hulk which is to serve as a receiving ship for the negroes emancipated by Decree of the British and Spanish Mixed Court of Justice, established under the Treaty of 28th June, 1835, with Spain, for the abolition of the Slave Trade.

It appears from the communications made to Her Britannic Majesty's Government that the Captain-General of Cuba, has demanded the removal of certain free negroes belonging to Her Britannic Majesty's Second West Indian Regiment, who have been appointed to do duty as Marines on board the "Romney," and has threatened to arrest them should they land upon the island. The Captain-General, it seems, founds his opposition to the presence of these individuals within the limits of the Colony, upon the Royal Orders of 12th March, 1837, in which he is charged not to permit in any manner, the introduction of free negroes, under any pretext whatever, into Cuba.

I have been, in consequence, instructed by my Government to lay the case before your Excellency, and to request that such orders may be issued to General Tacon, upon this point, as may remove the scruples which a too literal interpretation of his instructions seems to have raised in his mind. I scarcely need remark to your Excellency, that when the Government of Her Catholic Majesty directed that officer not to permit any free persons of colour to be introduced into Cuba, that Government could not have intended its orders to extend to the soldiers in Her Britannic Majesty's service, who are necessarily employed as a guard on board the "Romney."

The fifteen individuals of colour who form the Marine Guard on board the hulk, have been selected for that purpose, because they are in all respects best adapted to the nature of the duties they are required to perform.

They are much easier kept in order than white men, they understand the language and habits of the liberated slaves placed under their charge, and above all Her Britannic Majesty's Government is informed upon adequate authority that the mortality of white men so employed, and kept almost continually shut up in a hulk in the port of the Havana, would be so great as to render the service impracticable. Free men of colour are seen in the ports of Cuba, not only employed as sailors or soldiers on board of Her Britannic Majesty's ships, but in the American steam-boats, occupied in plying between the Havanna and Rigla, they are also constantly employed; so that the argument of novelty even cannot be alleged in favour of the course which the Captain-General has thought proper to pursue.

Until some arrangement could be come to between the two Governments on the point, it has been determined to keep these soldiers in the hulk, and not to permit them to land. I have, however, to express to your Excellency, the hope which is entertained by Her Britannic Majesty's Government, that the men employed in this arduous service may not be kept perfectly prisoners, but may be permitted to enjoy occasionally, and under proper regulations, the indulgence of going ashore.

I have, &c.

(Signed)

GEORGE VILLIERS.

*His Excellency**Don Eusebio De Bardaxi y Azara.*

&c.

&c.

&c.

No. 32.

Sir G. Villiers to Viscount Palmerston.—(Received Dec. 12.)

MY LORD,

Madrid, December 3rd, 1837.

I HAVE several times of late urged M. Bardaxi to cause a project of law to be prepared for the punishment of individuals convicted of slave dealing, and to present it to the Cortes, in fulfilment of the stipulations of the Treaty of 1835.

His Excellency assured me yesterday, that a law to that effect should be laid before the Chamber of Deputies, immediately after the conclusion of the debate upon the Address.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 33.

Sir G. Villiers to Viscount Palmerston.—(Received Dec. 19.)

MY LORD,

Madrid, December 10th, 1837.

I HAVE the honor to enclose the copy and translation of a note, which I have received from M. Bardaxi, in acknowledgment of mine, dated the 2nd instant, respecting the free negroes of the 2nd West India Regiment, employed on board Her Majesty's Ship "Romney," at the Havana.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 33.

M. Bardaxi to Sir G. Villiers.

SIR,

IN the note which you were pleased to address to me, dated the 2nd instant, you state that the Captain-General of the Island of Cuba objects to the landing of certain liberated negroes, who form part of the crew of the hulk "Romney," destined to serve as a depôt in the Bay of the Havana for the negroes declared free by the Mixed Commission, in consequence of the instructions contained in the Royal Order of the 12th of March last; and you request that the individuals employed in the service of the said hulk, may be allowed occasionally, and under proper regulations, to enjoy the pleasure of going ashore.

I have the honour to inform you, in answer to your above-mentioned communication, that I hastened to transmit the contents of it to the Secretary for the Department of Marine, in order that he may communicate the proper directions to the Captain-General of the Island of Cuba, to act in the greatest harmony with the British Commissioners, and endeavour to arrange these small differences in as far as may be compatible with the good of the Queen's service, and the tranquillity of the Island.

Upon this occasion I repeat to you, &c. &c.

Palace, Dec. 5th, 1837.

(Signed)

E. DE BARDAXI Y AZARA.

To the Minister of Her Britannic Majesty.

No. 34.

Sir G. Villiers to Viscount Palmerston.—(Received Dec. 26.)

(Extract.)

Madrid, December 17th, 1837.

I HAVE the honour to transmit to your Lordship the Copy and Translation of a Note from M. Bardaxi, together with its Enclosure, informing me that the Government was dissatisfied with the manner in which the Captain-General had proceeded in the case, and insisting on the necessity of a more punctual fulfilment of the Treaty.

Enclosure in No. 34.

(Translation.)

M. Bardaxi to Sir G. Villiers.

SIR,

Madrid, November 10th, 1837.

IN order to attend in a becoming manner to your reclamation, respecting the sale of a certain number of bozal negroes at the Havana, I have, by Royal command, informed the Captain-General of the island of Cuba, and Governor of the said Capital, that Her Majesty desires that the Treaties be religiously observed, and that she will see with pain, that the slightest infraction of them is tolerated, as appears to have been the case in the matter which has given rise to your reclamation, although Her Majesty feels persuaded that it was not in the power of the said Captain-General to have prevented it, as appears from the testimony which has been sent to this office, and which I have the satisfaction of enclosing to you in original*.

I have the honour of making the above communication to you, in reply to your note of the 3rd instant upon this subject.

I avail, &c.

(Signed)

E. BARDAXI Y AZARA.

* Sub-Enclosures in No. 37.

Papers on the subject of the "Denunciation of the Sale of certain Bozal Negroes," Translations of which are enclosed in Havana Commissioners' Despatch of June 30, 1837.

(See Class A.)

No. 35.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, December 27th, 1837.

I HEREWITH transmit for your information a Copy of a Letter, which I have received from Commander Nixon, of Her Majesty's ship "Ringdove," containing some information, respecting a cargo of negroes shipped in the Rio Congo, on board the Spanish Schooner "*Vencedora*," and concealed on board that vessel, while she lay in the harbour of Cadiz, prior to her departure for the West Indies.

I have, &c.

(Signed) PALMERSTON.

Sir George Villiers, G.C.B.

&c. &c. &c.

Enclosure in No. 35.

*Mr. Nixon to Viscount Palmerston.**H.M.S. Ringdove, Havana, October 28, 1837.*

I AM well aware, my Lord, it may be irregular my addressing you, but, from reading the documents on the Slave Trade, and observing the strong personal feeling your Lordship appears to have in it, I trust the new and extraordinary case I now state will plead my apology for addressing you. On the 14th of this month I detained and brought in here "*La Vencedora*," Spanish brigantine, for having twenty-six negroes concealed on board. As my correspondence with the Commissioners will of course go by this packet, and be laid before your Lordship, I will not occupy more of your time than informing you that, from private but unquestionable information I have received, however horrid the fact, the "*Vencedora*" shipped a cargo of negroes at Rio Congo, *took them round by Cadiz*, and was there many days with her wretched cargo concealed, but which must have been known to the Spanish sanitary and custom-house authorities. She sailed from Cadiz about the 5th or 6th of September, and during the whole passage out the wretched negroes were not seen by the passengers, but who, from the offensive smell from below, the quantities of rice, &c., cooked, were quite aware what they had in. Much of this information I had from a Spanish boy, a Carlist prisoner, who, by some oversight, I suppose, has been left on board; it has gradually eked out from him, but I have no question of the truth; he has been quite consistent in his information, and it corroborates what all the negroes have declared, that they were never on board another vessel; and the men of the "*Vencedora*" told this boy they were from the coast of Africa: her previous employment is still hid in mystery. This unfortunate boy swore to all he said in the most solemn manner: he was and is in the greatest dread of being assassinated on being taken on shore, if known what he has told us. After being with us a few days, he was most anxious to remain with the English, but from the first I told him it was quite impossible. I had his information reduced to writing, and have it ready, with other corroborative circumstances, to bring before the Court whenever they will allow me, and felt it my duty, both verbally and by letters, to give the Commissioners the first and earliest gleam of information that reached me, as in my letter of October 22nd. I think it may be interesting to your Lordship to know the above facts, whatever may be the decision of the Court; and, should your Lordship care to know any thing of me personally, I beg to state that Admirals the Honourable Charles Fleming and Sir Philip Durham, and Lord Lynedoch, have long known me; and Sir Robert Gore Booth, whose property in the county Sligo marches with some of your Lordship's, is a nephew-in-law of mine.

I am, &c.,

(Signed)

H. STOPFORD NIXON.

P. S.—From private information received by Mr. Schenley, I was going to cruise for the "*Socora*," now expected, and will do so the moment I am clear of "*La Vencedora*." Will your Lordship pardon me pointing out the great utility it might be having on board the "*Romney*," amongst the black troops, men from as many different parts of the coast as possible, to act as interpreters in cases of attempted concealment and fraud, like the "*Vencedora*?"

To Viscount Palmerston, G.C.B.

&c. &c. &c.

SPAIN. (*Consular.*)

No. 36.

Lord Palmerston to Mr. Brackenbury.

SIR,

Foreign Office, March 30th, 1837.

I HEREWITH transmit for your information the Copy of a Despatch which I have received from His Majesty's Commissioners at Sierra Leone, reporting the purchase of two condemned slave vessels, the "*Vigilante*" and "*Esperanca*," (A) on account of Pedro Blanco of the Gallinas; and I have to desire, that should these vessels arrive at Cadiz, you will watch them narrowly, with a view to prevent their being again fitted out for the Slave Trade, for which, it is but too probable, they are destined by their present owner.

I have, &c.

(Signed) PALMERSTON.

J. M. Brackenbury, Esq.

No. 37.

Mr. Hardy to Viscount Palmerston.—(Received April 19th.)

MY LORD,

St. Jago, de Cuba, 18th February, 1837.

I BEG leave to acquaint your Lordship, that the Portuguese brig *Boca Negra*, J. Cuamaño, Master, landed on the 6th instant at Juragua (a little to windward of this Port) four hundred Africans of all ages, and subsequently entered this Port.

I have the honor, &c.

(Signed)

JOHN HARDY, Jun.

The Right Hon. Viscount Palmerston, G.C.B.

Consul.

&c.

&c.

&c.

No. 38.

Mr. Brackenbury to Viscount Palmerston.—(Received April 25th.)

MY LORD,

British Consulate, Cadiz, 13th April, 1837.

IN acknowledging your Lordship's Despatch of the 30th ultimo, enclosing me a Copy of a communication from His Majesty's Commissioners at Sierra Leone, respecting the purchase of two condemned slave vessels by Mr. Robert Hornell of that Colony.

I have the honour to acquaint your Lordship that the "*Esperança*" arrived in this Harbour in ballast on the 11th February last, and was purchased by Mr. Matteu, who states, that he has been too unsuccessful in his slave voyages to employ the "*Esperança*" again in that inhuman traffic, but purposes establishing her as a constant trader between this Port and the Havana.

Her British Register was delivered to me by her late master, Mr. John Tucker, on the 17th of February last, and was forwarded by me on the following day, by Her Majesty's schooner "*Firefly*," to the Honourable Commissioners of Her Customs.

I have, &c.

(Signed)

W. N. BRACKENBURY, Junr.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 39.

Mr. Brackenbury to Viscount Palmerston.—Received April 25th.

MY LORD,

British Consulate, Cadiz, 14th April, 1837.

I HAVE the honour to acquaint your Lordship, that the Russian barque "*Cavallo Marino*," which formed the subject of my Despatch, of the 12th of December, 1835, is on the point of sailing from this Port, under Spanish colours, with a cargo of merchandise for Manilla.

I have, &c.

(Signed)

W. N. BRACKENBURY, Jun.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

PORTUGAL.

No. 40.

Lord Howard de Walden to Viscount Palmerston.—(Received January 23rd.)

MY LORD,

Lisbon, 14th January, 1837.

ALTHOUGH I can report no progress made in the negociation of the Slave-Trade Treaty, your Lordship will learn with satisfaction that the Decree of the 10th December has already produced beneficial effects.

Three vessels which were lying in the Tagus, under equipment for the Slave-Trade, have been prevented from sailing. Another, a Spanish vessel, immediately left this Port, for Cadiz, incomplete in equipment.

An English house, which had imported a cargo of 200 barrels of gunpowder from Liverpool, destined for Loanda by one of the reputed slavers, has not ventured to ship it in the vessel in question.

The Owners, or Consignees of the slave-vessels have made angry protests against the application to them of that article of the Decree, which requires security to be given in Lisbon, against their being employed in the Slave-Trade, but without effect.

In this I must do the Viscount Sa da Bandeira the justice to report, that he has acted with perfect good faith. It remains to be seen, whether he can enforce obedience to the Decree, on the part of the Portuguese authorities in general.

I have, &c.

(Signed)

HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 41.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, February 28th, 1837.

Two months having elapsed, since your Lordship was instructed to resume the negotiations for the conclusion of the Slave-Trade Treaty, His Majesty's Government are anxiously expecting some account of the result of your endeavours, to bring this long-pending question to a satisfactory termination.

Ample proof of the mischief arising from delay is furnished by the accompanying Copies of Despatches from Rio de Janeiro, and from the Havana; which show, that, in the Brazils, and at Cuba, the Slave-Trade, continues to be carried on, under the the Portuguese flag, with unabated activity.

You will communicate the facts, reported in these Papers, to the Portuguese Government; and you will state, that the daring conduct of the Slave-Traders is encouraged by the delay in concluding the Treaty.

As your recent Despatches upon this subject do not specify any fresh objections raised by the Portuguese Ministers to the Draft of Treaty, I am not without hopes, that your next communication may announce its acceptance; but, should this not be the case, I have to instruct you to inform His Majesty's Government, what is the actual state of the negotiations.

I have, &c.

(Signed)

PALMERSTON.

Lord Howard de Walden, Lisbon.

Enclosures in No. 41.

Mr. Hamilton, Rio de Janeiro, December 19, 1836.

His Majesty's Commissioners, Rio de Janeiro, December 19, 1836.

His Majesty's Commissioners, Havana, January 2, 1837.

(See Papers of 1836.)

No. 42.

Lord Howard de Walden to Viscount Palmerston.—(Received March 27.)
(Extract.) *Lisbon, 12th March, 1837.*

I HAVE the honour to acknowledge your Lordship's Despatch, marked Slave-Trade, of the 28th ult.

I have urged Viscount de Sa da Bandeira not to lose any time in completing, by the signature of the Treaty proposed by His Majesty's Government for the abolition of the Slave-Trade, the work, so well and honourably commenced by him, by the Decree of the 21st December, 1836.

I believe Viscount de Sa to be sincerely well disposed effectually to put an end to the Slave-Trade.

I shall not fail, early this week, again to press His Excellency on this important subject, on making known to him the contents of the papers transmitted to me by your Lordship. I cannot, however, hold out any expectation to His Majesty's Government, that any progress will be made in the negotiation of the Treaty, until after the prorogation of the Cortes.

No. 43.

Lord Howard de Walden to Viscount Palmerston.—(Received March 26.)
MY LORD, *Lisbon, 18th March, 1837.*

I YESTERDAY informed the Viscount de Sa da Bandeira, that I had received your Lordship's instructions, to bring under notice of the Portuguese Government the continued abuse of the Portuguese flag, as a cover for the Slave Trade, and earnestly to press upon His Excellency to follow up, by an efficient arrangement under Treaty, the measure of the 21st December, 1836, which had created so good an effect in England, and was so honourable to himself and the Portuguese Government.

His Excellency admitted, that he was fully aware of the extent, to which the Portuguese flag was used as a cover to the Slave Trade, and assured me that he was seriously anxious to put an end to this traffic. He said, he really had so much business on hand, that he had not been able to look into the Project of the Treaty himself; that he thought, the work upon it which he had desired was probably completed; and he promised, that, during the ensuing holidays, he would look it attentively over, and then make his counter-proposition.

The Viscount acknowledged the continuance of the Slave Trade to be extremely detrimental to the Portuguese African Colonies, and that the capital embarked in this inhuman traffic was almost entirely foreign.

I have, &c.

(Signed) HOWARD DE WALDEN.
The Right Hon. Viscount Palmerston, G.C.B.
 &c. &c. &c.

No. 44.

Lord Howard de Walden to Viscount Palmerston.—(Received April 19.)
MY LORD, *Lisbon, 1st April, 1837.*

VISCOUNT de a Sa da Baudeira informs me, that he has been working at a project for a Treaty to render effective the late Decree of the Queen of Portugal, abolishing *in toto* the Slave Trade, carried on under the Portuguese flag, and that he hopes in a very short time to be able to enter with me upon the discussion of its provisions.

I have, &c.

(Signed) HOWARD DE WALDEN.
The Right Hon. Viscount Palmerston, G.C.B.
 &c. &c. &c.

No. 45.

Lord Howard de Walden to Viscount Palmerston.—(Received April 25.)

MY LORD,

Lisbon, 8th April, 1837.

THE Viscount Sa da Bandeira informed me yesterday, that he hoped in a few days to send me a counter project of a Treaty for the entire abolition of the Slave Trade, which he had drawn up, with original notes, explanatory of the reasons for deviating from the Draft of that, which he had found in the Foreign Office, so nearly concluded between me and his predecessor.

I expressed my anxious hope that he would fulfil his good intentions, as the delays which had been created in bringing this Treaty to a conclusion, were little creditable to Portugal, and operated injuriously on public opinion in England, as regarded the character of the Portuguese Ministers.

The Viscount then proceeded to inform me, that by accounts which he had received from Brazil, it appeared that many British subjects were among the most active encouragers of the Slave Trade, and, indeed, to such an extent, that it was even insinuated that His Britannic Majesty's cruizers kept sometimes purposely out of the way, in order to afford them opportunities of disembarking their cargoes in safety.

In reply, I pointed out to His Excellency how superfluous it was to seek for corrupt motives for such imputed proceedings on the part of the British cruizers, as His Excellency was aware that the Slave Trade with Brazil was carried on under the Portuguese flag, and that the Portuguese Government had not as yet conceded to the British cruizers off the Coast of Brazil, the right of searching any vessels whatever under their flag, whether the *bonâ fide* property of Portuguese subjects, were suspected of being employed in the Slave Trade, or even known to have slaves on board.

His Excellency acknowledged this, and repeated his determination to do every thing which depended upon him to put down this inhuman traffic.

I have, &c.

(Signed)

HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 46.

Lord Howard de Walden to Viscount Palmerston.—(Received May 2nd.)

MY LORD,

Lisbon, 22nd April, 1837.

In consequence of the suspicious circumstances connected with the "*Latona*," I have during all this week been actively prosecuting my investigation respecting her, for the purpose of obtaining such evidence, as may render it impossible for the Portuguese Government to refuse to seize her as a slaver.

An officer, conversant with the equipment of slave vessels, on going over her observed a considerable number of casks, four large iron tanks, more than was necessary for the ordinary use of the crew of any merchant vessel. The hold was fitted up with transverse beams, ready to receive a platform deck, such as is used only by slavers.

On receiving this information, I reported it to the Viscount de Sa da Baudeira in an official note, of which the enclosed is a copy. I also desired M. Consul Smith to endeavour to elicit further details respecting the vessel.

The particulars thus obtained were most important. The summary is as follows:—

The "*Latona*" (which previously made a successful slave voyage) was sold by a Mr. Oakley, of Philadelphia, to a man of the name of Falcao, an inhabitant of the Havana. Part of the purchase money was paid at Philadelphia, and Mr. Oakley's son proceeded in the "*Latona*" to the Havana, where, in the presence of one of the deponents, an American, he received the remainder of the purchase money in dollars. The crew who brought her to Lisbon were engaged only for the voyage. M. Falcao came in her, as did also a man by name Pauly, who did not make his appearance until some days after leaving the Havana. During the voyage, Pauly talked of the seizure of the "*Diogenes*" at Mozambique, of which vessel he stated that he was then commander.

The Mate, another witness, an Englishman, early in the voyage, in moving some

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ballast disclosed some ringbolts; they were, however, immediately put out of sight. He subsequently became acquainted with a secret passage in the lining of the vessel, through which a man could descend into a part of the hold. In this place a stock of ringbolts was concealed. He also stated that there was false wainscoting in the stern, as also a double ceiling to the cabin, in which hiding-place arms and various other things were deposited. This evidence was confirmed by the above-mentioned American, who had also been one of the crew.

The Mate also declared that under the ballast were concealed the guns belonging to the vessel, as also some large tubs or tanks for the use of the slaves.

I desired the above deposition to be taken on oath before the Consul, and recorded in writing. At the same time I applied to the Viscount de Sa Baudiera to institute, in presence of these witnesses, accompanied by a British officer, a rigorous search of the "*Latona*." The Viscount refused to allow of the presence of a British officer, on the plea of its looking like Foreign Intervention. M. Vidal, however, a very honourable man, one of the chiefs of the Foreign Office, called on me by the Viscount's desire, to arrange the necessary proceedings. This gentleman put into my hand a report of a search which had been made the day before on board the "*Latona*" by the Police, in which it was declared that the vessel was free from suspicion!

I explained to him how matters stood, when he immediately proceeded at my request to the Consul's office, and having heard the evidence which had been collected, he requested that the witnesses might accompany him to the Police Office, where their sworn depositions were immediately examined, and desired to be translated, and arrangements were made to institute a fresh search of the "*Latona*."

During the day, the three witnesses in question have been offered by the Captain of the "*Latona*" money and a free passage to England in a vessel which sails to-morrow, provided that they will not divulge anything they know about the "*Latona*."

I trust that unless previous information should have been given of the intended search (which, however, is improbable), and which may afford time for throwing the ringbolts, arms, &c., overboard, a sufficient evidence will at once be obtained to justify the Government in making an immediate seizure of the "*Latona*."

With reference to the letter contained in the "*Nacional*" (transmitted by me in my Despatch No. 130) signed by Senhor Santos, the Adjutante da Praca, at Mozambique, suspecting him to be an interested person, I have made inquiries respecting him, and I find him to be brother to a man of the same name in Lisbon, to whom I have already referred in my Despatch No. 16, Slave Trade of the 13th May, 1836.

The American witness in his deposition further states Crocker the late Master of the "*Latona*," was formerly Mate of a slave vessel called the "*Flying-Fish*," the consort of the "*Maritata*," slave schooner, which was captured by the "*Nimble*," schooner-of-war, commanded by Captain Bolton. The "*Flying-Fish*" landed her slaves on that occasion at a place called Accoreau near Cape Blanco.

I have, &c.

(Signed)

HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 46.

Lord Howard de Walden to Viscount de Sa da Bandeira.

MONSIEUR LE VICOMTE,

Lisbon, 16th April, 1837.

BEING informed that the "*Latona*," the reputed Slaver, is fitted up with ring-bolts, and has 200 water-casks on board, which circumstances constitute evidence considered now sufficient in all tribunals to prove her criminality, as connected with the Slave Trade, I lose no time in bringing the circumstances under the notice of your Excellency.

It further appears that this vessel, which appears to have entered under the American flag, came from the Havana, having some how or other received on board the Commander of the "*Diognes*," the Slaver, which is said to have been protected lately by the fort at Mozambique, and that she is not navigated according to the navigation laws.

Under these circumstances, considering the laws of Portugal respecting the Slave Trade (and as those of America treat vessels in any way connected with the Slave Trade as Pirates), I submit to your Excellency the policy of seizing on this opportunity for the purpose of affording a salutary warn-

ing to vessels detained for the Slave Trade, and of subjecting the "*Latona*" to the utmost rigour of the law.

The Owner of the "*Diogenes*," as also of this vessel, the "*Latona*," is reported to me as being a Corsican.

(Signed) HOWARD DE WALDEN.

To His Excellency Viscount de Sa da Baudreira.

No. 47.

Howard de Walden to Viscount Palmerston, G.C.B.—(Received May 4th.)

(Extract.)

Lisbon, 26th April, 1837.

WITH reference to my Despatch of the 22nd instant, on the subject of the "*Latona*," I have the honour to transmit the affidavits of three of the late crew, by which the character of this vessel is fully proved. I add also the affidavit of a seaman who was engaged only after the arrival of this vessel in the Tagus, by which it appears that notice had been given of the intended search, by the Portuguese authorities.

I further enclose the affidavit of another individual, as corroborating evidence of the disgraceful connivance, which exists between the Portuguese authorities and the said Slave Trader.

Having represented the circumstances connected with the two last-mentioned depositions to the Viscount de Sa da Baudreira, His Excellency requested me to write to him officially on the subject, which I accordingly did, and I herewith enclose a Copy of my Note to His Excellency, concerning the affidavits before-mentioned.

I understand from the Spanish Minister, Senhor Perez de Castro, that Pauoly, who is to have the command of the "*Latona*," states himself to have been owner of the "*Diogenes*," and, as a Spanish subject, has claimed his intervention with the Portuguese Government, to claim compensation for damages suffered from His Majesty's ship "*Leveret*" while under the protection of the Portuguese flag at Mozambique. I have inquired of M. De Castro what evidence he possessed of this said Pauoly being really a Spanish subject. I have not yet received his answer.

P.S.—I have the honour to transmit the answer, which I have just received from M. Perez de Castro.

First Enclosure in No. 47.

(Affidavit.)

THIS Deponent, John Williams, lately a seaman on board the brig "*Latona*," which arrived in this port under American colours, being sworn on the Holy Evangelists, maketh oath and saith, that on the seventh day of February last he shipped himself as a seaman on board the said brig, then in the port of Havana, understanding that she was bound to Lisbon, and from thence to London, without any fixed ulterior destination, as he was told by the Master Crocker: that deponent observed that there were fifteen water-casks on board, in addition to which fifteen or twenty more were shipped at the Havana, which he, deponent, helped to stow; besides which there were some leigars or water-tanks, capable of containing about twenty-eight pipes, on board: that, during the voyage to Lisbon, he was told by the contramestre, or sailing Master, that Don Francisco de Falconie, who was on board as passenger, had bought the vessel at Havana, and that Mr. Pauoly (likewise on board) was to take the command of her at Lisbon: also that the said Mr. Pauoly was the person who had commanded the Spanish vessel detained off Mozambique by an English ship of war: that the said Don Francisco pressed Deponent to continue on board, and go on in the vessel on a slave voyage to Mozambique, as he would gain more by it than he would on board a fair trader. And, further, that the said contramestre, whose name is Francisco, and who, he believes, is a Spaniard, had also told him that the "*Latona*" was to take from this port a new crew for the vessel detained at Mozambique by the English ship of war: and that the said contramestre further told him that the other vessel was to stay at Mozambique till the arrival of the "*Latona*," when they were to sail together for mutual aid and protection: and Deponent further saith not.

Witnesses to the Signature,

his
JOHN x WILLIAMS.
mark.

(Signed) JOSE DE RUYS E SOURA,
EUGENE SULLIVAN, of Lisbon, Gentleman.

Sworn before me, by the said John Williams, at Lisbon, this 21st April, 1837.

(Signed) JER. MEAGHER,
B. V. Consul.

Second Enclosure in No. 47.

(Affidavit.)

THIS Deponent, Charles Evans, a British subject, being sworn on the Holy Evangelists, voluntarily maketh oath and saith, that he this Deponent being then at the Port of Havana, in the Island of Cuba, on or about the 20th day of December last past, he shipped as second mate on board the American brig "*Latona*," then under American colours, commanded by — Crocker, and signed articles to proceed to Lisbon or elsewhere, but he was informed by said Master that the "*Latona*" was to proceed from Lisbon to London, where she was to take in a cargo of dry goods, with which she was to proceed to the Pacific Ocean. That immediately after he shipped himself said vessel was sold by a Mr. Oakley, who came from New York in the "*Latona*," as supercargo, to a Spaniard then at Havana, named Don Francisco Falconie, and paid the purchase-money for her to the said Mr. Oakley, who after receiving it, immediately returned to New York. That about a fortnight before he, deponent, shipped on board the "*Latona*," a Mr. Pauoly arrived at the Havana from Mozambique, and from his having made all the arrangements, and superintended the stores and provisions sent on board the "*Latona*," as well as Deponent believes that the said Mr. Pauoly is connected and concerned in said brig "*Latona*." That said vessel received at the Havana four leigars or tanks, capable of containing twenty eight pipes of water, of the sort generally used in the Slave Trade, and thirty-five wine-pipes, besides two gang-casks of rum, and half a pipe of cognac brandy, and two chests of muskets. That the crew consisted of thirteen men, composed of Portuguese, Americans, English, Swedes, and Russians; and that about the end of January said vessel proceeded on her voyage to this port, the said Don Francisco Falconie and Mr. Pauoly being passengers in her: that during the voyage the contramestre or boatswain repeatedly asked deponent if he would consent to remain in the "*Latona*," which he told him was to be fitted out at Lisbon for the purpose of returning to Mozambique, to be employed in the Slave Trade, a circumstance which was generally made known to all the crew, but that Deponent refused to proceed on such traffic. That Mr. Pauoly informed deponent that he was the person who commanded the Spanish vessel that was detained by the English brig-of-war at Mozambique, which he said also belonged to the said Don Francisco Falconie; and deponent further saith, that in clearing away the dunnage to lay the water-casks on, he discovered four pairs of slave-irons, which he hove down between the partner beams; and that he also discovered that she had a box-cabin, inside of which he discovered a place containing small arms and powder; that the said vessel is also fitted with iron cranks, to sling a slave-deck; and that besides the four guns now on deck, the remainder (of 14) are stowed and hid under the iron ballast. And deponent further saith, that whilst at Havana, the said Don Francisco Falconie and Mr. Pauoly lived together, and that the said Mr. Pauoly repeatedly told him, deponent, that he was to take the command of the "*Latona*," after she was fitted out in Lisbon for the Slave Trade: and this deponent further saith not.

(Signed)

CHAS. C. EVANS.

Witness to the signature,

EUGENE SULLIVAN.

Sworn before me to the truth of the foregoing statement, by Charles C. Evans, at Lisbon, 21st April, 1837.

(Signed)

JER. MEAGHER,
B. V. Consul.

Third Enclosure in No. 47.

(Affidavit.)

THIS Deponent, Solomon Collick, lately serving as cook on board the brig "*Latona*," which arrived in this port under American colours, having been sworn on the Holy Evangelists, maketh oath and saith, that he shipped as cook on board said vessel, in the port of New York, about five or six months ago, and proceeded in her, with a cargo of corn and flour, to the Island of St. Thomas, where as he heard from the then Master, she was intended to be offered for sale, and, if not sold, to proceed to the Havana for the same purpose. That not having found a purchaser, said vessel proceeded from St. Thomas's to Havana, where she arrived on the 24th of December last, and was there sold to Don Francisco de Falconie and Mr. Pauoly by a Mr. Oakley, who came as supercargo of the vessel from New York, and by whose father she was owned. That to Deponent's certain knowledge the purchase-money of said brig "*Latona*" was paid by Don Francisco de Falconie to Mr. Oakley. That Mr. Oakley told deponent that he had sold the vessel, and advised him to proceed in her to Lisbon. And deponent further saith, that about eight years ago, being then in the city of Philadelphia, employed as a porter, he was sent on board said vessel to bring the Captain's luggage on shore, when he was told in conversation by the Mate, that said brig "*Latona*" had just returned with a cargo of cotton from New Orleans, to which port she had proceeded, after having landed a cargo of slaves at a creek near Matauzas, in the Island of Cuba, which fact was corroborated in Deponent's mind by his seeing a quantity of fire-arms, cutlasses, boarding-pikes, and tomahawks. That while the "*Latona*" was at the Havana in January last, this Deponent and Charles Evans were stowing casks and leigars, or water-tanks, on the dunnage (the ballast having been removed), in doing which they discovered a number of slave-irons, hid by the keelson, where they were covered by the ballast. That he also knows that the "*Latona*" has got false lockers behind the berths, and secret places by the rudder-case and in the ceiling. That the said Don Francisco de Falconie and Mr. Pauoly came as passengers in the "*Latona*" to this port; and that the contramastre or sailing-master had pressed him to remain in said vessel, and go in her on the slave voyage she was intended for after she was fitted out at Lisbon, which request said contramastre likewise made to the rest of the crew. That said contramastre told him, Deponent, that Mr. Pauoly was the identical person who commanded the vessel which had been detained at Mozambique by a British vessel of war: and further Deponent saith not.

(Signed)

his
SOLOMON COLLICK.
mark.

Witness to the signature,

EUGENE SULLIVAN.

Sworn before me, to the truth of the foregoing deposition, by Solomon Collick, before me, at Lisbon, this 21st day of April, 1837.

(Signed)

JER. MEAGHER,
B. V. Consul.

Fourth Enclosure in No. 47.

(Affidavit.)

This Deponent, Jacinthe Patigneau, a native of the Isle of France, being sworn on the Holy Evangelists, voluntarily maketh oath and saith, that he, Deponent, on the 29th ultimo shipped on board the brig "*Latona*," lately arrived in this Port under American colours, as seaman, where he has continued until yesterday evening. That on some day last week the said ship's boats conveyed from on board a quantity of bottles, containing gunpowder (he having seen the men filling the bottles with it) which were landed near Boa Vista (Bull Bay); and that the boat immediately returned empty, and then conveyed another quantity of bottles, also containing gunpowder. That a few days since, whilst shifting the ballast, he, Deponent, observed *under it*, about one hundred manacles, under the run of the vessel, and which are covered over with stones. That yesterday all of a sudden the contramestre (boatswain) told him, Deponent, that the "*Latona*" was going to be sold, and desired him to quit the vessel, which he did last evening, and that he has reason to believe that his being ordered on shore was for the purpose of preventing his being acquainted with what was doing on board, and to avoid his making the same known: and Deponent further saith not.

his
JACINTHE X PATIGNEAU.
mark

Witness to the Signature,
EUGENE SULLIVAN.

Sworn before me at Lisbon, this 22nd April, 1837.

JER. MEAGHER,
B. V. Consul.

Fifth Enclosure in No. 47.

(Affidavit.)

This Deponent, Samuel Grady, of Lisbon, lodging-house keeper, and a British subject, voluntarily maketh oath and saith, that on the 21st day of April instant, he, Deponent, of his own accord, went on board the brig "*Latona*," (which vessel lately entered this port under American colours) together with the Proveda, or Magistrate, appointed by the Portuguese Government to search said vessel for certain chains, manacles, and other instruments used in the Slave Trade, which were said to be concealed in said brig. That said Magistrate was accompanied by two persons, one of whom acted as interpreter, and was escorted by a guard of four soldiers. That with Deponent the following persons likewise went on board of their own accord, viz., Charles Evans, Solomon Colliett, John Williams, John Baker, and John Lewis, all lately belonging to the said brig "*Latona*." That the said Proveda and the persons who accompanied them having got on board said brig, called for the captain, and said he had a warrant to search the vessel. That the late captain was not on board at the time, but came before Deponent and the others quitted the vessel. That the Contramestre or Sailing Master having furnished a light, said Provedor went below accompanied by Deponent and all the others (except the soldiers) who had gone on board with him. That the Provedor and his two Portuguese attendants went into the cabin, and having merely looked round, returned again on deck, without having made any search whatever. That in the mean time Deponent, with Evans, Collick, Williams, Baker and Lewis, went down into the and began to search in the place where some of them recollected that the irons had been stowed away at the Havana, that is near the Keelson, and between the water casks and the ballast, but found nothing but a file and a key, which seemed to belong to the padlock with which the slave chain is fastened. That before they had time to make any further search, the captain who had just returned on board, called out from the hatchway, ordering them all to come up, which they accordingly did. That when they got on deck again they saw the Proveda and the two other persons who came with him standing by the after hatchway. And the Captain was pacing the deck apparently in great anger, and saying that if he had been on board he would not have allowed any one of them to enter the ship. That Deponent did not see said Proveda, nor either of the persons who meet with him, make any search whatever on board said brig; and that in a few minutes after Deponent came up from the hold, they all returned on shore. That before they quitted the vessel the late Captain asked Colliett what business he had on board, to which Colliett in Deponent's hearing replied that he (the Master) had no business on board, as the "*Latona*" had been sold at Havana to Don Francisco Falconie and Mr. Pauoly, and that the purchase-money had been paid for her.

And this Deponent further saith, that from the interest he felt in this case, arising from the circumstance that several of the "*Latona's*" former crew were lodging at his house, he on the 22nd instant again accompanied another Magistrate on board said brig, for the purpose of making a second search. That said magistrate, with three persons who accompanied him, and Deponent, together with all the individuals who had gone with him on the preceding day, went before, first to the cabin and then to the after-cabin, in both which places they searched very carelessly, although Deponent repeatedly remarked to them that he thought they were very negligent, and even pointed out places which he said ought to be examined, for which purpose he recommended that a plank should be taken out of the sheathing on each side, which could have been done without injuring the vessel. That Deponent's remarks were addressed to the interpreter and by him conveyed to the Magistrate, who, however did not attend to them further than by observing that if any injury were done to the vessel he (the Magistrate) would have to pay for it. That Deponent heard Solomon Colliett assure the inter-

preter that there were irons on board; and likewise heard Jacinthe Patigneau, another of the former crew of the "*Latona*" tell the interpreter that he had assisted in stowing them away in a place whence on search being made it was found they had been removed. That the whole of the time during which the said Magistrate was on board was about an hour: and further Deponent saith not.

(Signed) SAMUEL GRADY.

Witness to the Signature,
EUGENE SULLIVAN.

Sworn before me at Lisbon, this 24th April, 1837.

JER. MEAGHER,
B. V. Consul.

Sixth Enclosure in No. 47.

Lord Howard de Walden to Viscount Sa da Baudreira.

M. LE VICOMTE,

Lisbon, 25th April, 1837.

IN compliance with your request, I have the honour to transmit to your Excellency, herewith the affidavits of three seamen lately of the "*Latona*," the contents of which had several days ago been communicated by your Excellency's desire to the Police Office. I further add, a fourth affidavit made by a man who had been engaged on board the "*Latona*," after the dismissal of the crew which brought her from the Havana to Lisbon; by which your Excellency will perceive, that what I had anticipated from any delay, took place, namely, that notice had been immediately given on Friday of the intended search of the vessel on Saturday, and that effects had in consequence been landed, which would have tended to afford additional proof of the character of the "*Latona*." The fifth affidavit enclosed denounces the conduct of the officers intrusted with the search of the "*Latona*," which is a mere repetition of the disgraceful proceedings which took place with regard to the "*Esperanza*," when the Duke of Palmella was Minister.

Having already requested that a British officer conversant with the fitting up of slavers, should be allowed to be present at the search to be instituted on board the "*Latona*," for the double purpose of pointing out to the Portuguese authorities what would constitute conclusive evidence as to the destination of this vessel, and of securing the witnesses from intimidation, and which your Excellency refused to allow, I trust your Excellency will bear in mind the extent to which the honour of the Portuguese Government will have been compromised, unless now, by the praiseworthy exertions of more zealous officers, they may still obtain (in addition to the affidavits which I now place in your Excellency's hands) evidence equally conclusive as were those incontestible proofs, with which I offered to furnish your Excellency, on board the vessel itself. I am informed that the "*Latona*" this day hoisted American colours, although His Britannic Majesty's Consul has seen in the American Consul's hand her register as an American vessel cancelled.

I have, &c.
(Signed) HOWARD DE WALDEN.

His Excellency Viscount Sa da Baudreira.
&c. &c. &c.

Seventh Enclosure in No. 47.

(Translation.)

M. de Castro to Lord Howard de Walden.

Lisbon, 26th April, 1837.

LE Chevalier Perez de Castro has the honour to present his respects to Lord Howard de Walden, and wishing to satisfy his Excellency's wish, to have some idea of the reasons on which M. Peoli, Captain of the "*Latona*" founds this claim to his protection; he has now the honour to state to his Excellency, that he has received letters from a Spanish commercial house at Bordeaux, recommending M. Peoli, Captain of the "*Diogenes*," and announcing at the same time, that the protection of the Government as Her Catholic Majesty, had been claimed for him: that the publicity caused by the debates which have taken place in the Chamber of Deputies, since the representations addressed to the Government on the subject of the affair of Mozambique, and the answer of the Minister of Marine, have confirmed him in the persuasion that M. Peoli is the Captain of the Spanish brig "*Diogenes*," detained at Mozambique; and lastly, that the authentic documents of which M. Peoli is the bearer from Mozambique, prove him, beyond a doubt, to be the Captain of the brig "*Diogenes*," whose papers were detained in the last-mentioned town, and are now on their way to this capital, M. Peoli having a formal certificate of their existence.

According to these very positive proofs, the Chevalier Perez de Castro has not been able for a moment to doubt that M. Peoli is the Captain of the "*Diogenes*."

Moreover, he has informed his Government of what has passed, and he will thus be enabled to know how far the claims of the said Captain are carried.

The Chevalier Perez de Castro had no previous knowledge of the suspicions raised by His Excellency as to the part which M. Peoli may have taken in the Slave Trade; but he is very thankful to Lord Howard for the information, by which he will not fail to profit, if possible.

The Chevalier Perez de Castro, begs, &c.

To His Excellency Lord Howard de Walden.
&c. &c. &c.

No. 48.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, 6th May, 1837.

I HEREWITH transmit to your Lordship the Extract of a Letter from the Havana, stating that Don Jozé Fernandez, a notorious slave dealer, has been nominated Portuguese Consul in that city.

Your Lordship will make inquiry into this matter; and, if the information furnished to the writer, as to the appointment of Don Jozé Fernandez, should prove correct, you will communicate to the Portuguese Government the fact of his connexion with the Slave Trade, and will at the same time point out to the Portuguese Government, how much the selection of such a person for this particular post must tend to assist the Slave Traders at Cuba, and to encourage a belief, that the Portuguese Government favours, instead of discountenancing that traffic.

I am, &c.
(Signed)

PALMERSTON.

Lord Howard de Walden.
&c. &c.

Enclosure in No. 48.

Extract of a Letter dated the Havana, 24th February, 1837.

A REPORT has reached me upon creditable authority, that Don José Fernandez, a partner of the American House of George Night and Co., has lately been nominated Portuguese Consul for Havana. This individual is one of the most notorious slave dealers either here or upon the Coast of Africa. His brother resides at Whydato, having various establishments likewise for slave dealing. An appointment of such a nature by the Portuguese Government, could only be made with the intention of forwarding the Slave Trading enterprises (now carried on to such an extent under her flag), by an act of the most open barefacedness.

No. 49.

Lord Howard de Walden to Viscount Palmerston.—(Received May 7th.)

MY LORD,

Lisbon, 30th April, 1837.

WITH reference to my Despatches of the Slave Trade Series, of the 22nd and 26th instant, respecting the "*Latona*" Slaver, I have the honour to inform your Lordship, that the American Chargé d'Affaires has withdrawn his protection from this vessel.

I have made known to him all the particulars connected with her, and have furnished him with certified copies of the depositions of the various witnesses against her.

Viscount de Sa da Baudeira also assured me yesterday, that she should not be allowed to use the Portuguese flag, but he could not tell me what course of proceeding against her was in progress.

It remains now to be seen whether Pauoly will address himself to the Spanish Minister for protection.

I have, &c.
(Signed)

HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 50.

Lord Howard de Walden to Viscount Palmerston.—(Received May 7th.)

MY LORD,

Lisbon, May 1st, 1837.

I AM informed to-day that the "*Latona*" has been purchased by a British merchant at Lisbon, by name of Shore.

Your Lordship will perceive by the proceedings of this case, how hopeless it is to expect the punishment of any parties in Portugal connected with the Slave Trade.

It is probable that Pauoly and Falconie have disposed of the "*Latona*," her character having become too notorious for their purpose, and that they will purchase some other vessel in this port, which may answer their purpose equally well, without attracting the vigilant attention of His Majesty's cruisers in the same way they apprehend the "*Latona*" would have done.

I shall have the proceedings of Pauoly and Falconie closely watched. The two

houses here of Perfumo and Scheffer, the reputed principal and agents in the Slave Trade, have failed within the last week.

I have, &c.
HOWARD DE WALDEN.

(Signed)
To Viscount Palmerston, G.C.B.

No. 1.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, May 10th, 1837.

I HEREWITH transmit to you, for your information, the copy of a Despatch from His Majesty's Commissioners at Sierra Leone, containing a Report upon the Slave Trade, during the year 1836, together with the extract of a letter from a respectable merchant in the Rio Minez upon the same subject.

You will communicate the information contained in these papers to the Portuguese Minister, pointing out to his particular notice the open manner, in which the Portuguese Authorities at Porto Praya, and at other Settlements belonging to Portugal, supply Spanish vessels engaged in the Slave Trade, with the means of sheltering their unlawful transactions under the Flag of Portugal; and you will state, that if this fraudulent use of the Portuguese colours shall continue to be permitted, the Portuguese Government must not be surprised, if a flag, thus deliberately prostituted to such base purposes, should no longer be respected by British cruisers.

I am, &c.
(Signed) PALMERSTON.

First Enclosure in No. 51.

*Sierra Leone Commissioners, January 5, 1837.
(See Class A., 1836. Supplement A., No. 3.)*

Second Enclosure in No. 51.

Extract of a Letter dated Rio Minez, 24th February, 1837.

THERE have arrived in the river Rio Ponzas during the last three weeks, four vessels under Portuguese colours, which, it appears, are now readily obtained at the Cape de Verde Islands, on payment of a douceur of 15*l.* per cent. on the value of the vessel and cargo. From what you know of Portuguese Governors, you may judge what is the probability of any of them having the virtue to resist the temptation of 1500 or 2600 dollars, freely given by any Spanish slaver for a set of Portuguese papers. I am told, and I believe it to be a fact, that no less than fifteen from Cuba have, within the last two months, received Portuguese papers from Porto Praya, on payment of sums varying from 1500 to 2000 dollars, according to the size of the vessel and the value of the cargo.

No. 52.

Lord Howard de Walden to Viscount Palmerston.—(Received May 14th).

(Extract.)

Lisbon, 5th May, 1837.

I REPORTED to your Lordship in my Despatch, of the 1st instant, that an English merchant, by name Shore, had purchased the "*Latona*." On reference to that gentleman, I find this not to be the case; although it was so stated by those on board, and, moreover, that they were going to hoist British colours.

I have now to add, that the "*Latona*" continues to carry Portuguese colours; and I am assured that she has been transferred (nominally only I suspect) to the notorious Gil dos Santos, the owner of the "*Rapina*," and brother to the Adjudonte de Praco, at Mozambique, to which place the "*Latona*" is bound.

No. 53.

Lord Howard de Walden to Viscount Palmerston.—(Received May 14th.)

(Extract.)

Lisbon, 5th May, 1837.

THE Viscount de Sa da Bandeira has at last transmitted to me his counter project of a Treaty for the Abolition of the Slave Trade.

This document is much at variance with the project transmitted to me under your Lordship's instructions, as to principle, spirit, and efficiency.

No. 54.

Lord Howard de Walden to Viscount Palmerston.—(Received May 27.)

MY LORD;

Lisbon, 13th May, 1837.

I HAVING signified to the Viscount de Sa Bandeira, that in transmitting to me the counter-project for a Treaty of Abolition of the Slave Trade, it would have been a more regular proceeding, if it had been accompanied by an Official Note of transmission, his Excellency accordingly addressed such a Note to me, which I received only late last night, and of which I now have the honour to transmit a Copy and translation.

I have, &c.

(Signed)

HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 54.

M. Sa da Bandeira to Lord Howard de Walden.

(Translation)

Foreign Office, 12th May, 1837.

THE Undersigned, &c. has the honour to transmit to Lord Howard de Walden, &c., the Counter Project of a Treaty for the Abolition of the Slave Trade, such as it ought to be concluded, in order to make it harmonize with the Decree of the 10th December, 1836, which completely abolishes that odious traffic throughout the Portuguese dominions. Certain stipulations are also adopted therein, similar to those of the Treaty for the Abolition of the Slave Trade, concluded between France and Sweden on the 21st of March 1836, a printed Copy of which is annexed, and which is based throughout upon the Conventions concluded for the same object between Great Britain and France, on the 30th November 1831, and the 22d March 1833, to which both the said Powers have requested and obtained the consent of other Powers. These stipulations of the Counter Project, at the same time that they are founded upon a perfect and just equality, and are in complete conformity with what Great Britain has latterly agreed to with other Powers upon this point, are mutually honourable to both Crowns, and are consequently deserving of the approbation of His Britannic Majesty's Government.

The Undersigned, &c.

Lord Howard de Walden,
&c. &c.

(Signed) SA DA BANDEIRA.

No. 55.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, 9th June, 1837.

I HEREWITH transmit to your Lordship, for communication to the Portuguese Government, the accompanying Extracts from a Letter addressed to Lord Glenelg by His Majesty's Superintendent of Liberated Africans at the Havana, reporting the continued use of the Portuguese flag and Papers by Spanish vessels engaged in the Slave Trade.

I am, &c.

(Signed)

PALMERSTON.

The Lord Howard de Walden,
&c. &c.

Enclosure in No. 55.

Extract of a Letter, dated Havana, 14th February, 1837.

THE Spanish slavers now, almost universally, and without the slightest impediment, adopt the Portuguese flag, and by this means get rid altogether of the Equipment Clause, the most valuable part of the Treaty.

CLASS B

G

This facility with which the Portuguese flag is adopted, and the exemption from all inquiry here into its adoption, even in cases of vessels known in the Havana to have sailed under the Spanish flag—except in a single case, that of the "*Socorro*,"—has now made the practice general. There is neither difficulty nor danger in it, the Commanders are Spaniards;—an oath to a Custom-House—a bribe to a Consul—fictitious Papers and false colours—and a Spanish slaver is at once converted into a Portuguese merchant vessel.

No. 56.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, 7th October, 1837.

WITH reference to my Despatch to your Lordship, "Slave Trade," of the 10th of May last, upon the subject of the facilities afforded to persons engaged in the Slave Trade, by the Authorities of the Portuguese Settlements on or near the Coast of Africa, I herewith transmit to your Lordship the Copies of 2 Despatches, and of their Enclosures, which I have received from Her Majesty's Commissioners at Sierra Leone, containing an account of the condemnation of 2 vessels, the "*Flor de Tejo*" and the "*Providencia*," captured with slaves on board, under Portuguese colours.

From the evidence produced at the trial of these vessels before the Mixed Court of Commission, it appears, that the "*Flor de Tejo*" sailed from the Havana bearing the character of a Spanish schooner, and under the name of "*Flor de Mar*," and that while at the Cape de Verde Islands she assumed the flag of Portugal; and that the "*Providencia*," in like manner, arrived at Princes Island, under the Brazilian flag, and there assumed the flag of Portugal.

Both cases, indeed, afford the plainest proofs of the readiness, with which the Portuguese Authorities at the above-mentioned places extend, by mock transfers, the protection of the flag of Portugal to vessels engaged in the Slave Trade; and I have, therefore, to instruct you to renew the representations, which, by my Despatch above mentioned, you were desired to make to the Portuguese Government upon this subject.

On referring to the First Enclosure in my Despatch of the 10th of May above mentioned, your Lordship will find that F. Cardozo de Mello, and Ribeiro, the Master of the "*Flor de Tejo*," have already been reported to Her Majesty's Government, as parties concerned in transactions of this nature, and you will, therefore, further demand from the Portuguese Government, that the necessary steps be taken for the due execution of the Decree of the 10th December, by the trial and punishment of the above-named Portuguese subjects, as implicated in offences against that Decree.

I am, &c.

(Signed)

PALMERSTON.

The Lord Howard de Walden,
&c. &c.

Enclosures in No. 56.

Sierra Leone Commissioners, 8th July, 1837.

" " 14th " "

(See Class A.)

No. 57.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, 16th October, 1837.

I HEREWITH transmit for your information the accompanying Copies of 3 Despatches and of their Enclosures, which I have received from Her Majesty's Commissioners at Rio de Janeiro, containing Returns of vessels that arrived from, and sailed for, the Coast of Africa during the months of May, June, and July; and I have to instruct your Lordship to draw the attention of the Portuguese Government to the statements therein contained, as affording an additional proof of the increasing extent to which the flag of Portugal is used, to cover transactions in Slave Trade.

I have, &c.

(Signed)

PALMERSTON.

The Lord Howard de Walden,
&c. &c.

Enclosures in No. 57.

His Majesty's Commissioners at Rio de Janeiro, June 15th, 1837.

" " " " *July 1st, "*
" " " " *August 14th, "*

(See Class A.)

No. 58.

Viscount Palmerston to Lord Howard de Walden.

(Extract.)

Foreign Office, 27th October, 1837.

YOUR Lordship's Despatches of the Slave Trade series have been received at this Office up to that of the 24th May last.

With reference to your Despatch of the 5th of May last, inclosing the counter-project of Treaty which the Portuguese Government then proposed for adoption, instead of the project submitted to them on the part of Her Majesty's Government, I have to inform you, that Her Majesty's Government deeply regret, that, after nearly two years' negotiation, the Government of Portugal should have refused its consent to the Draft, which was proposed by Great Britain, and which was nearly word for word the same with the Treaty which Spain, so much to her honour, has agreed to.

Her Majesty's Government cannot refrain from expressing its great disappointment at this refusal, which it had no right to expect; and Her Majesty's Government has learnt with some surprise, that, in reply to a proposal to conclude a Treaty, founded upon one already concluded between England and Spain, the Portuguese Government has asked it to take for its model a Treaty concluded between France and Sweden, to which England is not directly a party.

Your Lordship will now acquaint the Portuguese Minister, that the Draft proposed to you by M. Sa da Bandeira is inadmissible, and you will again make a vigorous effort to persuade the Portuguese Government to accept the Draft first sent out to you, with the addition of the 2 Articles, the insertion of which you were instructed to admit by my Despatch, of 25th April, 1836.

No. 59.

Lord Howard de Walden to Viscount Palmerston.—(Received November 24.)

MY LORD,

Lisbon, 14th November, 1837.

I HAVE spoken to Viscount de Sa da Bandeira on the subject of the renewal of the suspended negotiations on the Slave Trade; and his Excellency has assured me of his disposition to enter into a consideration of the question in its general bearings without delay.

I have, &c.

(Signed)

HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 60.

Lord Howard de Walden to Viscount Palmerston.—(Received November 29.)

MY LORD,

Lisbon, 21st November, 1837.

I have been informed by the Under Secretary of State, that the Portuguese brig "*Eugenia*," suspected of being a slaver, has been captured by the Brazilian sloop-of-war "*Regeneração*," and sent by her to Rio de Janeiro.

I have &c.

(Signed)

HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 61.

Lord Howard de Walden to Viscount Palmerston.—(Received November 29.)

MY LORD,

Lisbon, 21st November, 1837.

I HAVE again urged Viscount de Sa to lose no time in resuming negotiations for a Treaty with Great Britain, under which the Slave Trade, carried on

under the Portuguese flag contrary to law, may be effectually suppressed. His Excellency has promised to give his early attention to the subject, and has requested me to furnish him with a Copy of the Treaty concluded on the 28th June, 1835, between Great Britain and Spain for this object, which I have done.

I have, &c.

(Signed)

HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 62.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, 4th December, 1837.

I HEREWITH transmit to your Lordship, for communication to the Portuguese Government, the accompanying Copy of a Letter, addressed by Rear-Admiral Hamond to Her Majesty's Minister at Rio de Janeiro, containing a representation, that the Portuguese Authorities at that port allow slave-vessels to navigate under the Portuguese flag, in open defiance of the laws of Portugal.

I am, &c.

The Lord Howard de Walden,

(Signed)

PALMERSTON.

&c.

&c.

Enclosure in No. 62.

Sir E. Hamond to Mr. Hamilton.

SIR,

Dublin, Rio de Janeiro, September 9th, 1837.

I HAVE the honour to acknowledge the receipt of your letter of this date, with an extract from one addressed to you by the Imperial Secretary of State for Foreign Affairs, requesting you will exert your influence in order that Her Majesty's ship-of-war under my command may be instructed to cruise on the coasts of this province, for the suppression of the Slave Trade, and in reply, I request you will be pleased to make known to the Imperial Government, that the limited number of Her Majesty's ships-of-war under my command, stationed on the east coast of South Africa, cruise for that purpose, as much as possible, consistently with the other duties which they have to perform; and that I consider it would not be proper to withdraw from the distant provinces, and from the river Plate, the vessels now necessarily stationed there for the protection of British commerce, with the sole view of guarding the province of Rio de Janeiro from the scandalous illicit traffic in Slaves, which although unhappily so prevalent, it is so easy for the Imperial Government itself to check in the very outset, by simply giving orders that no vessel shall be cleared outwards or inwards at the Custom Houses of any of the ports of Brazil without producing the *national register* and other documents required by the law of the country, whose flag the vessel may show to prove that she is lawfully navigated as a merchant vessel of that country, instead of allowing merchant vessels (as is now notoriously the case) to shift their flag, and change their names, at will, and proceed to sea with the most irregular and incomplete papers; and to return, entering inwards from the coast of Africa, 50 pipes of *salt water* and *one parrot*, to the reproach of all good governments, and the effectual encouragement of the illicit traffic in question.

I have, &c.

(Signed)

G. E. HAMMOND.

Vice-Admiral.

P.S.—In the "Journal de Commercio" of this day, there is recorded the "Entrada" of the Portuguese schooner, "*Andorinha*," from *Benguela*, cargo 10 gamelas of wax and 21 tusks of ivory. It is *not possible* that such a cargo can pay the freight of the vessel, and that alone makes her more suspicious, but it is more than probable, that vessel has not *one* of the papers required by the law of Portugal, to enable her to navigate under that flag.

Similar entries are recorded almost daily, and are passed by the authorities of the country; thus attempting to cast the blame upon the few English ships-of-war on this station.

Will the Brazilian Government authorise me to examine and search the vessels so coming into port, after evading the cruisers on the coast, and prove (if the Government is blind to the fact) the wilful remissness of the Portuguese authorities here, in suffering such vessels to navigate, in open defiance of the laws of Portugal.

(Signed)

G. E. HAMMOND.

No. 63.

Lord Howard de Walden to Viscount Palmerston.—(Received December 18.)

MY LORD,

Lisbon, 11th December, 1837.

I HAVE the honour herewith to enclose a Copy of a Note which I have addressed to the Viscount de Sa da Bandeira, in execution of your Lordship's Instructions, conveyed to me in your Despatches of the 24th July and 16th October,

of this year, marked "Slave Trade," relative to the encouragement given to that disgraceful traffic by different Portuguese Authorities, and the extent to which the national flag of this country has been prostituted for the ends of that inhuman commerce.

I have, &c:

(Signed)

HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 63.

Lord Howard de Walden to Viscount de Sa da Bandeira.

Lisbon, 6th December, 1837.

THE Undersigned has been instructed by Her Majesty's Government to communicate to that of Her Majesty's Foreign Minister the Documents herewith enclosed, demonstrating the encouragement continued to be given by Portuguese Authorities and subjects in the Dominions of Portugal to the disgraceful and prohibited traffic in slaves.

By the Returns of the vessels which have sailed from the Coast of Africa, his Excellency will receive a convincing proof of the extent to which the Flag of Portugal is used to cover transactions in the Slave Trade:

From the Reports of Her Majesty's Commissioners at Sierra Leone, containing an account of the condemnation of two vessels, the "*Flor de Tejo*" and the "*Providencia*," and from the evidence produced at the trial of these vessels before the Mixed Court of Commission, his Excellency will learn that the "*Flor de Tejo*" sailed from the Havana bearing the character of a Spanish schooner, and under the name of "*Flor del Mar*," and that, while at the Cape de Verde Islands, she assumed the flag of Portugal; and that the "*Providencia*" in like manner arrived at Princes Island under the Brazilian flag, and there assumed the flag of Portugal. Both cases afford the plainest proofs of the readiness with which the Portuguese Authorities at the above-mentioned places extend, by mock transfers, the protection of the flag of Portugal to vessels engaged in the Slave Trade.

The Undersigned is therefore instructed to address the Portuguese Government, calling upon them in virtue of the assurances and declarations so repeatedly made to the British Government, to cause the necessary measures to be taken for the due execution of the Decree of the 10th December, 1836, by the trial and punishment of the above-mentioned subjects as implicated in offences against that Decree.

The Undersigned is now addressing his Excellency the Viscount de Sa da Bandeira, the Minister to whom everlasting honour is due for having relieved the institutions of his country from the debasing stigma of legalized Slave Trade, cannot too strongly urge his Excellency to complete the noble work he has so honourably commenced, by rendering effective the law prohibiting this inhuman traffic, and thus raising the national character of Portugal to its proper station among civilized nations.

The Undersigned, &c.

His Excellency Viscount de Sa da Bandeira.

(Signed)

HOWARD DE WALDEN.

PORTUGAL. (*Consular.*)

No. 64.

Viscount Palmerston to Mr. Egan.

SIR,

Foreign Office, 10th May, 1837.

WITH reference to my other Despatch to you of this day's date, containing Instructions for your guidance in the performance of the duties of His Majesty's Consul at the Cape de Verde Islands, I herewith transmit to you printed Copies of the Treaties concluded between this country and foreign powers for the suppression of the Slave Trade, together with printed Copies of the Correspondence of His Majesty's Government with the British Commissioners appointed under certain of those Treaties, and with Foreign Governments on the same subject.

One of the principal reasons, which have induced His Majesty's Government to nominate a British Agent to reside at the Cape de Verde Islands, is the fact that slave-vessels are much in the habit of touching at those Islands on their way to the Coast of Africa. So far back, indeed, as the year 1828, it was considered that much useful information with respect to the real character and the intended movements of such vessels might be obtained from these Islands, and be communicated to His Majesty's cruisers and the other Officers of the British Government specially employed in the execution of the Treaties above referred to; and I now send to you a Copy of the Instruction, addressed with this view by the Earl of Aberdeen to Mr. Consul Goodwin.

The Reports recently received from Sierra Leone and the Havana, give reason to believe that the Cape de Verde Islands are now more than ever frequented by slave-vessels, and particularly by those under the Spanish flag, to whom an opportunity is there afforded of assuming the colours and character of a Portuguese vessel, under which they escape the provisions of the Treaty with Spain, which are stricter and more efficacious, than those of the Conventions at present in force between Great Britain and Portugal.

I have, therefore, to desire, that you will use your best endeavours to obtain every information with respect to the Slave Trade, and that you will communicate to His Majesty's Cruisers, and to the British Commissioners, at Sierra Leone, those facts which may appear to you worthy their attention, and likely to conduce to the capture and condemnation of slave-vessels; taking care to transmit to this Office Copies of your Despatches to the functionaries above mentioned, together with any particulars, as to the part borne in these transactions by the Local Government and the Merchants resident in the Islands.

Your Despatches upon this subject should be marked "Slave Trade," and numbered separately from the series of your Despatches on Consular Service.

In conclusion I must point out to you that great caution and prudence, as well as vigilance, are essentially necessary to the effectual performance of the duties sketched out for you in this Despatch.

To Joseph Egan, Esq.
&c. &c.

I have, &c.
 (Signed) PALMERSTON.

No. 65.

Mr. Consul Egan to John Bidwell, Esq.—(Received December 18.)

SIR,

Madeira, 17th November, 1837.

CAPTAIN Rosenberg, touching at Madeira, affords me the opportunity of informing you that we have on board a Portuguese, called Don Rafael José Alvares, a prisoner in charge of a Mate (Mr. Shannon) of His Majesty's brig "Racer," Captain Hope, who brought him from the West Indies to Plymouth, where he was put on board the "Forester," to be taken to Sierra Leone. This man commanded the slave-ship "*Quorda Marina*," but in consequence of her fast sailing, was afterwards called "*Traga Millas*," and was taken off the Island of Cuba, with 283

slaves on board. The crew and slaves were landed at Port Antonio, in the Island of Jamaica; but as there is no Portuguese Commissioner attached to the Mixed Commission at the Havana, it became necessary to send the Captain of the slaver to Sierra Leone before the vessel can be condemned. I felt it my duty to have some conversation with this man and as he seems to take pride in his nefarious trade, he was communicative. He tells me the voyage on which he was taken was the first he made, but the sixth made by the vessel; she got all her slaves at the Gallinas; was built at Baltimore, purchased for the Slave Trade by merchants at the Havana, and obtained her Portuguese Papers and colours at the Cape Verdes; had when taken a crew of 12, of whom 8 were Spaniards and 4 Portuguese; one-fourth of the crew, including the Captain, must be Portuguese to give a right to the colours of that nation. This man is a native of Lisbon, and was banished by Don Miguel's Government to the Cape Verdes, where he remained 5 or 6 years. From thence he went to the Coast of Africa and became acquainted with and employed by Pedro Blanco, a Spaniard, at the Gallinas, who is the chief encourager of the Slave Trade in that quarter.

To *John Bidwell, Esq.*
&c. &c.

I have, &c.
(Signed) JOSEPH EGAN.

NETHERLANDS.

No. 66.

Viscount Palmerston to Sir E. C. Disbrowe.

SIR,

Foreign Office, June 30.

WITH reference to my former Despatches upon the subject of General Verveer's mission to Ashantee, I herewith transmit to you, for communication to the Government of His Netherlands Majesty, the extract of a Letter which has been received at the Colonial Office from the London Committee of Gold Coast Merchants, announcing General Verveer's arrival at Coomassie, and containing some remarks on the tendency of that Officer's mission.

Sir E. C. Disbrowe,
&c. &c.

I am, &c.
(Signed) PALMERSTON.

Enclosure in No. 66.

*Extract of a Letter from the London Committee of Gold Coast Merchants to Sir George Grey,
dated 6th June, 1837.*

The Dutch General Verveer had undertaken his Mission to the King of Ashantee, and was received with all the honours which that Chief could confer on his entrance into Coomassie.

That mission, being to stimulate the King to send recruits, as they are termed, to enlist into the service of the King of the Netherlands, has already had the effect of suspending the entire commerce of the country; and it cannot but be feared that, if the Ashantees incline to the negotiation, they will make aggressions on their neighbours to obtain prisoners, and for these people procure the money and pay that is allowed at Elmina. Should such a course be pursued, the country will become involved in a general war; and, however harmless the professed intention of the Dutch Government may be, it cannot be denied that the measures pursued are a specious covering to a traffic in slaves. It is so considered in that country, not only by the natives themselves, but by the European traders who visit the Gold Coast; and, should the Dutch Government continue this system, the most injurious effects to the improvement of the natives and to legitimate commerce must follow.

No. 67.

Sir E. C. Disbrowe to Viscount Palmerston.—(Received July 13.)

MY LORD,

The Hague, 7th July, 1837.

I had yesterday the honour to receive your Lordship's Despatch, marked "Slave Trade," of the 30th ultimo.

I beg to inclose the Copy of a Note which I have consequently addressed to the Minister for Foreign Affairs.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

I have, &c.
(Signed) E. C. DISBROWE.

Enclosure in No. 67.

Sir E. C. Disbrowe to Baron Verstolk.

M. LE BARON,

Hague, 6th July, 1837.

IN referring to the communications which, by the order of my Government, I have already had the honour of holding with your Excellency, on the subject of the Mission of General Verveer to the Coast of Africa, I now take the liberty of drawing your further attention to this important point; for, although the explanations which I have already had the honour to receive and transmit to my Government, and more particularly those in your Excellency's Note, of the 21st December, were certainly satisfactory as to the intentions of the Netherland Government not to take any steps which it deemed likely to encourage a renewal of the Slave Trade; still it appears that the tendency of the arrangements entered into by that Officer have, in fact, already been made by the natives a specious covering to a traffic in slaves; and, should the system be persevered in, it must cause a renewal of this detestable traffic all along the Coast; at the same time that, by putting an end to legitimate commerce, it will counteract those means by which alone any hope can be held out of a permanent improvement in the

social condition of this unfortunate race: an improvement which I am confident your Excellency will agree with me in deeming it a Christian duty to promote.

In transmitting, therefore, to your Excellency the enclosed Document, I do so, not with the intention of offering the remotest reproach to General Verveer, still less to the Government which employed him; but I transmit the Extract exactly as it was received by the Colonial Office in London, in order to point out the unfortunate impression which that Mission has made in Africa; and I feel perfectly confident that His Netherlands Majesty will at once give the necessary orders to counteract its baneful effect.

His Excellency Baron Verstolk,
&c. &c. &c.

I avail myself, &c.
(Signed) E. C. DISBROWE.

No. 68.

(Extract.)

Sir E. C. Disbrowe to Viscount Palmerston.—(Received July 20.)

The Hague, 17th July, 1837.

GENERAL VERVEER has brought back with him from Africa two Ashantee Princes, of the age of 8 and 9 years, for the purpose of educating them in this country.

They were represented as extremely intelligent and willing to learn, but they have not made much progress in the Dutch language during the voyage.

General Verveer is represented to have been extremely well received by the King of the Ashantees.

No. 69.

Viscount Palmerston to Sir E. C. Disbrowe.

SIR,

Foreign Office, 11th August, 1837.

I HEREWITH transmit to you the Copy of a Communication, which I have received from the Colonial Office, containing a Report made by the British Authorities at Cape Coast Castle, with respect to the proceedings of General Verveer in the neighbourhood of that settlement, in fulfilling the mission with which he was charged by the Dutch Government, for the purpose of raising recruits for the Dutch East India Possessions.

Her Majesty's Government have learnt with much satisfaction from these Papers, that the system formerly practised by the Dutch Governor Laus, of giving, to the masters of slaves who enlisted, a monthly note to draw part of the pay, has been put a stop to, and that the recruits who now quit the Coast leave no claims whatever existing against them. But, with every desire to do justice to the promptitude, with which the Dutch Government has attended to the representations made to it, through you, upon these points, Her Majesty's Government feels it right again to draw the serious attention of the Government of the Netherlands to the statements, contained in the accompanying Papers, respecting the tendency of the measures, taken for procuring these recruits, to revive and foster among the native chiefs the practice of slave-dealing.

It is true, that the facts now reported afford no evidence of an actual traffic between the Dutch Agent and the chief, from whose dominions the recruits were obtained, beyond the circumstance, that, in Ashantee, the formal process of emancipation, was not gone through, until after the payment of the bounty money; but all the men so engaged were slaves, and in all probability procured as such by the Native Authorities, for the purpose of being disposed of as recruits; and experience has proved, that, so long as it is the interest of the head-men to continue this barter, the Slave Trade will be promoted by it.

You will therefore lay these considerations before the Dutch Government, and express the hope of Her Majesty's Government that, measures so prejudicial to the cause of humanity will not be persisted in.

Sir E. C. Disbrowe, G.C.B.
&c. &c.

I am, &c.
(Signed) PALMERSTON.

Enclosure in No. 69.

James Stephen, Esq., to the Hon. W. Fox Strangways.

SIR,

Downing-street, 4th July, 1837.

With reference to the Correspondence which has passed, relative to General Verveer's Mission to Coomassie, I have received Lord Glenelg's directions to transmit to you, for Viscount Palmerston's information, a Copy of a Letter from the Committee of Gold Coast Merchants, covering an Extract of a Report from the President and Council of Magistrates of Cape Coast Castle respecting General Verveer's proceedings at Coomassie. Lord Palmerston will perceive that the Dutch Envoy has been completely successful in the object of his Mission; that the King of Ashantee has consented to supply 1,000 recruits for the Dutch service; that 2 vessels have already transported 150 recruits to Batavia, and that 200 more are awaiting their embarkation.

On the general aspect of these proceedings, Lord Glenelg would observe that, although they furnish no evidence of a distinct traffic, yet, that they afford little doubt of the establishment of a practice which must have the effect of nourishing the Slave Trade. It is clearly shown that the native Authorities are induced to acquire slaves for the purpose of disposing of or selling them as recruits; and so long as it shall be made, by presents or other inducements, the interest of the head-men to continue this traffic, the Slave Trade must be promoted by it.

Lord Glenelg recommends this view of the subject to the serious consideration of Lord Palmerston.

Hon. W. Fox Strangways,
&c. &c. &c.

(Signed)

I am, &c.

JAMES STEPHEN.

First Sub-Enclosure in No. 69.

The Committee of Gold Coast Merchants in London to Sir G. Grey, Bart., M.P.

SIR,

London, 21st June, 1837.

WE have the honour to transmit for the information of Lord Glenelg, extract of a Letter, addressed to us by the President and Council at Cape Coast Castle, dated 18th April last, on the subject of the proceedings of the Dutch Authorities on the Gold Coast, for procuring recruits for the East Indian Possessions, which we beg leave to submit without comment, and to apprise his Lordship that General Verveer, is now in London, having arrived yesterday from Elmina, on the Gold Coast.

We are, &c.

(Signed)

JOSEPH REID.
WILLIAM HUTTON.
J. G. NICHOLAS.

Sir G. Grey, Bart., M.P.

Second Sub-Enclosure in No. 69.

Extract of a Letter from the President and Council, dated Cape Coast Castle, 18th April, 1837.

"We have used every attention in keeping our eye on the proceedings of the Dutch Government on this Coast, in raising recruits for the Dutch East India Possessions, and, according to your request, have to lay before you the following information on that subject:—

"As you are already aware, General Verveer, about 3 months ago, proceeded to Coomassie, accompanied by several Officers, and having at his disposal presents of various sorts, amounting to a large sum, for the avowed purpose of procuring recruits, and afterwards establishing a recruiting depôt, and entering into a Treaty with the King of Ashantee, to bind himself to supply a certain number more within a limited period. Induced by the splendour of the presents, and flattered by the appearance and attention of Officers of so high a rank in his capital, the King has consented to his wishes.

"He has entered into a Treaty of Alliance, binding himself also to supply 1,000 recruits from his dominions, within the space of one year from the date of the Treaty, independently of 200 raised during General Verveer's stay there, and who accompanied him to Elmina, and for whom the bounty money paid, was, according to circumstances, from 8*l.* to 10*l.* Two vessels have been at Elmina within these last six weeks for the purpose of transporting these recruits to Batavia. The former of these carried away 80 and the latter 70, and we are informed there are still upwards of 200 in Elmina Castle. All those raised in Ashantee have been slaves, with whom a formal process of emancipation was gone through in the King's presence, after the payment of the bounty money. The system formerly practised by Governor Laus, of giving the friends or masters of these slaves a monthly note to draw part of the pay, has been put a stop to, and these recruits now leave the country, having no claims existing either against them, or for any service from them.

"Many of those enlisted at Elmina belong to towns situated on the sea coast, and several from towns or districts claiming British protection. Amongst all these care has been taken to acquaint the natives, that should any of them be compelled by their masters, or others having any claims upon them, to enlist for the Batavian service, it was only necessary to convey information thereof to the Authorities of Cape Coast Castle, and every protection would be promptly afforded to them. The number of those, however, who have left the tribes, over which we have control, is very small indeed.

"While upon this subject we may mention, that General Verveer has induced the King to give him 2 Princes, 1 a son and the other a nephew (sister's son) of his own, to be carried to Holland and there educated.

"We suppose, however, that the design is to make the King more cautious in observing the terms of the above-mentioned Treaty. It is probable that the latter of these 2 Princes (the nephew) will eventually succeed to the throne."

The Dutch and the Danes are using every exertion to increase their influence on the coast.

No. 70.

Sir E. C. Disbrowe to Viscount Palmerston.—(Received August 24.)

MY LORD,

The Hague, 21st August, 1837.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked "Slave Trade," of the 11th instant, and I beg to enclose the Copy of a Note, which, in obedience to your commands, I have addressed to his Excellency Baron Verstolk.

I have, &c.

(Signed)

E. C. DISBROWE.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 70.

Sir E. C. Disbrowe to Baron Verstolk.

M. LE BARON,

The Hague, 21st August, 1837.

I HAD the honour on a former occasion (July 6th) of transmitting, in a Note to your Excellency, the Copy of a communication received by the British Government, relative to the impression which, unfortunately, the mission of General Verveer had made on the Coast of Africa.

I now beg leave to enclose a Copy of the further communications which have reached Her Majesty's Government.

It is with great satisfaction that Her Majesty's Government has learnt that the system formerly practised by the Netherlands Governor Laus, of giving the masters of slaves who enlisted a promissory note to draw part of the pay, has been put a stop to, and I am particularly charged to offer the thanks of Her Majesty's Government for the promptitude with which that of His Majesty the King of the Netherlands has acted on this point. Still it must be observed that, from the statements contained in the accompanying Paper, the measures taken for procuring recruits have revived among the native Chiefs the practice of slave-trading. Although we can perfectly understand that the Article in the Treaty of Alliance which General Verveer has signed in the name of his Government with the King of Ashantee, binding him to supply 1,000 recruits from his dominions, within the year, for the Netherlands regiments in Batavia, is a *bona-fide* Treaty, and not intended as a renewal of slave-trading; still it must be remembered that it is a Treaty with a state which, till the present epoch, has known no convention regarding men, except one having for its basis the actual purchase and sale of human beings. It will, therefore, be extremely difficult for the uninformed minds of the natives, to comprehend the difference between a Treaty for the purchase of slaves, and a Treaty for paying a bounty to slaves for enlisting as recruits, and more particularly if those very slaves are emancipated in the presence of the authorities, after that bounty is paid.

However possible it may be for future generations, without the danger we are now deploring, to enter into such conventions, whenever the united efforts of all European Governments have completely succeeded in putting an end to the recollection of Slave Trade on that Coast, it is much to be feared that the execution of such a Treaty as that which has been signed by General Verveer will postpone so desirable a consummation of our wishes.

If it be not practicable at once to put an end to this Treaty, it is to be hoped that for the future the Government of His Majesty the King of the Netherlands will be enabled to discover some other method of recruiting its black regiments, less open to the remarks which, according to my Instructions, I have found it my duty to lay before your Excellency; and I have done so with the freedom which the conviction that the Government of His Netherlands Majesty (fully alive, as it is, to the iniquity of slave-dealing) will not scruple to make any sacrifice of self-interest to obtain its complete suppression.

I avail myself, &c.

(Signed)

E. C. DISBROWE.

Baron Verstolk,

&c. &c.

No. 71.

Sir E. C. Disbrowe to Viscount Palmerston.—(Received October 5.)

MY LORD,

The Hague, 3d October, 1837.

BARON VERSTOLK has expressed to me the desire which he entertains, of vindicating the Mission of General Verveer from the charge, of encouraging the traffic in slaves, which the British Authorities on the Coast of Africa conceive, will be the effect of the Treaty, signed by that Officer with the King of the Ashantees. His Excellency has replied, in the accompanying Letter, to the Notes, which, in obedience to your Lordship's commands, I addressed to him on the 6th of July and on the 21st of August; and, at the same time, encloses the Copy of a Report from General Verveer, of the whole of his proceedings on that Coast, a Translation of which I have the honour to annex.

I have, &c.

(Signed)

E. C. DISBROWE.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 71.

(Translation.)

Baron Vertolk to Sir E. C. Disbrowe.

MONSIEUR LE CHEVALIER,

The Hague, 6th Sept. 1837.

THE Colonial Department having taken into consideration the further observations which you had the goodness to address to me in your Notes of the 6th of July and 20th of August last, touching the recruiting of negroes for the Netherland Army in the East Indies, in virtue of the Convention lately concluded by Major General Verveer with the King of Ashantee, has transmitted a Report made on this Question by the said Officer in such detail, that it may be considered as entirely working out the subject.

I believe, sir, that I cannot act more frankly than by sending you the enclosed Copy of this Report; from which it results that the Government of the Netherlands, far from having, by this recruiting, given new life to the Slave Trade on the Coast of Guinea, has, on the contrary, taken all possible precautions to prevent this culpable traffic more and more; that the bounty on the recruits, far below the ordinary price of a slave, has been fixed at the present low rate for the very purpose of preventing slaves from being destined to military service; and that in order that the Convention may not give rise to wars among the various nations, it has been expressly stipulated with the King of Ashantee that no individual shall be presentable to the Netherland Resident at Coomassie, or be accepted by him, who shall have been made prisoner of war; who shall have been condemned to slavery as a criminal; who shall have become a bondsmen in consequence of debts or obligations contracted either by himself, his relations, or others; or who shall have been taken by force from his country.

I venture to flatter myself, sir, that this communication will dissipate the fears which have given rise to the observations above alluded to, and will suffice to prove that the enlistment of negroes for the military service of the Netherland Colonies, tends rather to liberate a considerable number of unhappy men from the deplorable destiny which awaited them, and to convert them to Christianity, which several of the recruits have already embraced.

Sir E. C. Disbrowe,
&c. &c.

I avail myself, &c.
(Signed) VERSTOLK DE SOELEN.

Sub Enclosure No. 71.

General Verveer to the Minister of the Colonial Department.

SIR,

The Hague, 29th August, 1837.

I HAVE the honour to acknowledge the receipt of your Excellency's Despatch of the 13th ultimo, No. 179, enclosing a Letter, dated the 10th, from His Majesty's Minister for Foreign Affairs, accompanying the Copy of a Note from the British Minister at the Court of the Netherlands, dated the 6th of the same month, together with Extract of a Letter from the London Committee of Merchants trading to the Coast of Guinea, to Sir George Grey, concerning which Documents, having all reference to my Mission to, and Operations on the West Coast of Africa, and at Coomassie, and particularly to the enrolling of men for the Netherlands Indian Army, at present proceeded at Elmina, and in the country of the Ashantees, your Excellency desires to receive my advice and opinion.

From the abovementioned Note of Sir E. Disbrowe, it appears that that Minister had received orders from his Government to make fresh representations to that of the Netherlands on the subject of the said enrolments, and this in consequence of the amount already mentioned as received by the London Committee from the Coast of Guinea, in which the establishment at Elmina is represented as giving reason to fear, that in case the Ashantees should enter into the object of my mission, that nation might be disposed to commit aggressions on their neighbours for the purpose of taking prisoners, the consequence of which would be, again to involve the country in one general war, and further, that the enrolments on the part of the Dutch have already produced an entire suspension of trade on the coast.

My first remark on perusing these complaints laid before the said Committee was, that they must have been transmitted from the coast either before my departure thence, or else with the very vessel in which I performed the passage to London, viz., the English brig the "Governor Maclean;" it therefore follows that at the time these representations were committed to paper, no person could have a better opportunity than myself, who was at Coomassie and transacted business with the African Princein person, of receiving the impression that enrolments on the part of the Dutch had, or even might have the dreadful consequences pretended by the writer of the Letter in question. Such an objection, therefore, must have lain beyond the reach of my cognizance, or else I must have been willing gratuitously, and in contempt of every feeling for the honour of my Sovereign and my country, to lend myself to the revival of the traffic, which, as a Christian, as a Hollander, and, let me add, as a Soldier, I must abominate, and thus blindly, if not designedly, have given occasion to a barbarous warfare throughout a considerable portion of the world! But no! the European inhabitants of the west coast know better. In the most unreserved manner I explained to them the whole plan of the Netherlands enrolment, and not only did they never express their present pretended fear of war and kidnapping; they even, on the contrary, repeatedly applauded the enrolments at Elmina, as having, in many respects, a direct philanthropical and beneficent tendency towards improving the deeply miserable condition of at least some of those wretches, who, along the west coast of Africa, are submitted to the yoke of slavery.

The Elmina was visited particularly by Mr. William Topp, Vice President of the British Possessions in Guinea, who, with an opportunity of minutely examining them, might, and certainly did, witness the careful treatment, even in the most trifling details given to the African recruits. That gentleman was likewise more than once witness how completely the young soldiers are themselves sensible of the amelioration of their fate, and how impassioned was the expression of their satisfaction, particularly at their unequivocal change from the most wretched state of cruel slavery, to that of free men.

I cannot for a moment suppose that facts so well known should require to be proved, or that it should be necessary to repel with the indignation it deserves, the doubt mysteriously yet obviously expressed, respecting the real destiny of the persons enrolled, by the writer of the letter to Sir George Grey, but should such proof be necessary, it were easy to be found. A number of Fantees, British

subjects, or living under British protection, were enlisted at Elmina for the Netherlands Indian army, and those of them who had been slaves, were, before their engagement, and by a public notarial act, conducted before the competent Authorities at Cape Coast, where, according to the form and custom of Great Britain, they were entered and manumitted, and that such took place with an entire foreknowledge that the object of the enfranchisement of the slave was to enable him to serve under the Netherlands standard, I call with confidence upon those authorities themselves to witness.

These individuals, as I have already stated, were all seen and spoken with at the Castle of Elmina. Mr. Topp. On my own part, as will appear from my latest instructions to the Commander Tannebooyer, dated at Elmina the 21st April last, I have all along taken care that whenever British subjects were concerned, it should be scrupulously required at the establishment that the Instruments of Manumission and Emancipation should be passed before their own Authorities.

But it may be urged, All this, though it afford the satisfactory explanation required by the British Minister's Note respecting the moral effect of the Netherlands enrolments on the African West Coast, yet it does not entirely remove the fear of war and of kidnapping expressed in the abovementioned Letter to Sir George Grey. No!—I repeat it, no. The means settled in Guinea, the Authorities representing the British Government there; in a word, the whole population of the coast, as well as that extending into the northern interior, know better.

I am, probably, trespassing on your Excellency's patience, but I owe it to my government, to myself, to have this question probed to the bottom.

The Netherlands enrolment is calculated to revive the spirit of the Slave Trade; to excite the cupidity of the King of Ashantee; and, consequently, to give rise to war, and to encourage the capture and enslaving of human beings! And this is written from the coast of Guinea, and officially, as it appears, submitted to the attention of their government by persons perfectly aware that in the kingdom of Ashantee, as at Elmina and Cape Coast, the slave may purchase and obtain his entire freedom and emancipation for 2 or 2½ ounces of gold (at most 100 florins, or about £8); whereas the same individual, conducted by his master to the lower Coast, by whom it may be done with impunity, may be sold for double, treble the price, to the slave dealers settled there under the very smoke of the European forts; and who live in luxury, and amass treasures by the blood of their countrymen and fellow-creatures. It is to these wretches the tools not only of the Brazilians and Cuba Spaniards, but also of infamous European and North-American individuals, who provide themselves with other or duplicate Charters at Bahia, or other parts of Brazil. It is to these that the slave whose freedom has been purchased for a compensation even below his local value at Elmina and Cape Coast may be sold, I repeat it, for double and treble the sum. Let it not be urged, that the easier and more legitimate emancipation of the slave as a recruit for the Netherlands Indian army, for there is no authority, no power existing on the Coast, to prevent the conveyance of slaves to places south of Accra, even with respect to the inhabitants of the Coast. This conveyance is carried on uninterruptedly from Ashomey, from the low-lying districts adjoining, and even from the Niger, while embarkation is but too much promoted, undoubtedly promoted, by the facility afforded to the slave dealers at Elmina, at the Danish settlement Accra, and at the British Commenda, and elsewhere, for providing themselves with canoes and rowers for that purpose.

What now becomes of the pretended fear, lest the Netherlands enrolment should encourage the chief of the Ashantees to war with his neighbours by way of cloak, for carrying off men by force, in order to furnish slaves? It is not to be disputed that if the desire of gain on the part of the prince, or his subjects, had such an unhappy tendency, it would be natural for them to endeavour to obtain the utmost compensation for their trouble, danger, and sacrifices; in other words, is it to be supposed, or are we to be made believe, that the Autocrat will, for the sum of 100 florins, do that for which he could gain double and treble the sum, and with no European power in Africa to prevent him?

I stop here: in the full consciousness of the truth which I owe to my Government, I here declare that I found the reigning Prince of Ashantee, the persons more immediately about him, and the people in general, if not positively aware, at least altogether indifferent to the Slave Trade. I do not ascribe by this that I ascribe to the Ashantees a higher degree of moral feeling than to their neighbours. I should rather believe that the sanction in their favour arises chiefly from the abundance of gold possessed, either actually or in their mines, by this nation, and which is always more than sufficient to exchange against European or other "foreign commodities;" whereas, in the countries more to the south and north-east, where the *Cowries* and *Romale-cloth* are almost the only articles available for such traffic, the minus must be made good by the sale of slaves on the lower Coast.

Moreover,—and I am probably the first to make the remark,—even before the abolition of the Slave Trade, the Ashantees, of all the Western Tribes of Africa, had the smallest share in that traffic. The reason, perhaps, is, that unlike the slaves in the European East and West Indian possessions, the slaves here, in as far as they are natives of Ashantee, according to the institutions of the country (which greatly resemble the old feudal system of Europe), are by no means considered as movable property. In fact, the slaves throughout the whole Ashantee dominions rather rank among the *serfs* common to our part of the world in the Middle Ages, and still found in some of the Eastern countries of Europe. They are *attached to the soil*, and consequently cannot be alienated, unless it be with the consent of the males of the collateral branches of their families: for in this kingdom, as in almost all Western Africa, the latter are exclusively the lawful heirs.

I have one more remark, and a most important one, to make;—it is, that I feel convinced in my own mind, that the present Ruler of Ashantee, and all his family, together with many, very many, among his subjects, are, if not absolutely disgusted with the cruel practice of human sacrifices on solemn festivals, and at the graves of their relations,—at least disposed to co-operate in the abolition of those butcheries. And I must be greatly mistaken in the personal character of the Prince, if the otherwise explicable facility with which he entered into the spirit of the Netherlands Indian enrolment is not chiefly to be attributed to a hidden desire on his part to see these inhuman practices gradually abolished, and to attain this laudable object the more easily by connecting it with the individual interests of his subjects.

The efforts made to put an end to the African Slave Trade are undoubtedly among the chief duties of Christians, and worthy of the efforts which we live; but do those noble efforts cast entirely into the shade all the moral merit and the consciousness of having delivered at least several hundreds of unhappy beings from the horrors of the slaughtering knife? of having existed in the African slave

the idea that a better fate may yet be his? of having joined hands with the chief of a barbarous tribe in the attainment of an object honourable, humane, and lofty, beyond anything that might have been expected of him? Should this, my conviction, be called in question, I appeal at once from all contradiction, to the full and eager consent of the King of the Ashantees to confide one of his sons, and one of his near relations, to the care of the Netherlands Government, with the absolute foreknowledge that his children should return to him—return with the privilege of an European civilization, and consecrated in the religion of Christians.

If I have anything to regret in the performance of my mission, it is, that none of those who now censure the Netherlands African levy, witnessed the passionate feelings of the slaves at the moment when, by their enrolment in the Register of the African Dépôt, they obtained the certainty of an amelioration of condition, which, till then, could not have come within the range of their ideas;—that none of them witnessed their religious gratitude, and their first use of freedom in calling out to their former masters: "Now at least my head is safe from your bloody law."

On this point I have now only to call your attention to the words of the Treaty, in which it is resolved and solemnly agreed upon by the Princes,—“That no person shall be offered as a recruit, and accepted as such by the Netherlands Agent at Coomassie, who has been made prisoner in war; who has been condemned to slavery for crimes committed; who is *pledged* on account of *any* or *an* engagement contracted by himself or relations; and who has been carried off by force from his native country.”

“But,” says the writer of the Letter to Sir G. Grey, “But the Netherlands enrolment has occasioned a suspension of trade between Ashantees and the coast.” It is true, that on my way to Coomassie, and before I had crossed the Bozempra, I received information that the King of the Ashantees had taken measures to prevent the trading journeys of his subjects to the coast; but it is false that that Decree, or whatever it may have been, was in any way connected with our African levy, or with my mission. So far from this being the case, the Prince, if not wholly ignorant of the chief object of the mission, was, at all events, not sufficiently acquainted with it to make it a motive for a change of views with regard to the interests of trade.

The sole and entire truth is, that the Governments of the Dutch, British, and Danish possessions on the coast, in conjunction with the principal merchants at Elmina, Cape Coast, Annaboo, and Airaci, had, on the 30th of November, 1835, entered into a kind of written agreement, or rather they had issued a Decree, by which the direct conveyance of saleable articles to the interior, on account of merchants settled on the coast, was prohibited on pain of the *confiscation of such goods*; and it was adopted as a principle, that the inland dealers should thenceforth be waited for on the coast.

I deem it unnecessary to enlarge on the merits of this measure, as far as regards the principle; but, on my return to the coast, I considered it my duty not to give it my approbation, and for a two-fold reason; first, because in as far as the Dutch Governor was concerned, he had no authority for entering into such an engagement; I have seen reason to suspect, that no notice of such an arrangement has been transmitted by him to the Colonial Department here; and, secondly, because, though the interests of the merchants of the second and third rank were equally involved in it, yet no opportunity had been offered them of expressing their consent to, or dissent from, the same. In one word, I considered the whole measure as being adopted exclusively in the interests of the wholesale importers, and as having the unquestionable tendency to ruin, or at all events to cripple, the retail trade in a most arbitrary manner. In addition to this, it must be observed, that the so called Treaty of the 30th of November, 1835, was concluded without the King of Ashantee taking any part in, or even of his having any knowledge of it.

Such an arrangement was naturally calculated to disgust the Ashantee Prince, but the refractory spirit afterwards shown by him, was excited chiefly by his learning that the Directors of Commerce at Cape Coast, without consulting him, or even the subscribers to the agreement concluded, either at Elmina or Acrãa, had thought proper, it would be difficult to say for what reason, again to repeal the prohibition, thereby “to open the paths anew,” as it is termed in the language of the country. But the prohibition of direct importation from the coast to the interior had already been displeasing to the King of the Ashantees, forcing, as it did, his subjects to travel through the Assim and Fantee countries, the only paths then remaining open, and to subject themselves to annoyances of various descriptions. And here I must observe, as I did to the Vice President Topp, that the hostile feelings between the Ashantees and the inhabitants of Assim and Fantee are far from being extinguished, and that it is only the united influence, and, if need be, the united power, of the British and Dutch authorities on the coast, that can prevent quarrels, and, sooner or later, even a war from breaking out in the South-western countries of Africa.

The instructions given by me to M. Tonneboeyer on this head, before leaving the coast, will testify the anxiety I felt upon that important subject.

After this explanation, is it still to be maintained that the suspensions of the trade of the interior with the coast, or rather, if you will, of the coast with the interior, which then took place, and has in all probability ceased by this time, are to be attributed to the simple and open enrolment of recruits on the part of the Dutch Government, or to my operations at Coomassie? With regard to the latter, I trust I have a right to appeal to M. Topp himself; and the forcible measures, chiefly in the interests of British subjects on the coast, to which I resorted against the Chief Priest of the Fetchis and his party at Elmina, will, as I have reason to expect from the character of that Gentleman, ere now have been reported to his Government.

Thus far I had proceeded in the task imposed upon me, when I had the honour of receiving your Excellency's Letter of the 28th current, No. 203, inclosing a later Note from the British Minister at the Court of the Netherlands, dated the 20th, and containing Extract of a Letter from the President and Council of the British possessions on the Coast, all relating to the Netherlands enrolment in Africa. It is worthy of remark, in the last-mentioned Document, (likewise dated Cape Coast, before my departure thence, and probably despatched by the same vessel,) that there is not even the most remote mention made of that fear of war, of the encouragement of slave-dealing, of the suspension of trade on the Coast, which occupy so prominent a place in the Letter to Sir G. Grey; whatever may be the reason of this, the Letter of the President and Council (I am happy to acknowledge it) bears the stamp of a Report free from all express prejudice. I should therefore have no remark to make on it, did I not conceive that I was rendering a service by pointing out certain mistakes of a very trifling description which occur in it, and which most probably originate in incorrect information.

The writers of the Report speak of "*presents of immense value for the King of the Ashantees.*" From the account handed to your Excellency before my departure for the Coast, it is known to you that the sum total paid for those presents did not amount to 5,000 guiklers in all, exclusive of a gilt copper cuirass and helmet, 4 or 5 small silver table articles, and a few yards of gold and silver fringe and lace, which latter had been asked for in the reign of the former King of the Ashantees, and by that Monarch himself.

The British Embassy, under Messrs. Bowdich and Dupuis, presented to the then reigning Prince, presents which, if they did not exceed, at least equalled ours in value. "Splendid presents" and "immense value," therefore, are far from being justifiable expressions.

Further, there is mention made of a Treaty of Alliance said to have been concluded between the Prince and me; now, though I received more than one hint at Coomassie to bring about a close connexion between the Dutch Government, or at least the establishment at Elmina and the Government of Ashantee, I not only expressly avoided every political point, but even refrained, as much at least as was possible, from involving the person of my Sovereign or his Government in the question.

My Treaty with Hooroo Dua, concluded on the 18th March, and exclusively referring to the subject of the levy, will bear testimony to this; and I think I may flatter myself that your Excellency will do me the justice to allow that my precaution in this respect was by no means an imitation of the ~~test of the Treaty~~ concluded by Messrs. Bowdich and Dupuis.

An agreeable recollection was excited in me by the mention made in the Letter of the highly respectable and meritorious President of Cape Coast, of the measure I adopted for the total suppression of the former so called Delegations of African recruits in favour of any one whatsoever. Indeed I must have much misunderstood the instructions with which your Excellency honoured me, had I allowed a system so entirely opposite to the principle of our enrolment to continue. It was no less flattering to me to receive the other day the approbation of my conduct in this particular from the Lieutenant-General the Governor of Netherland India, as well as his promise to support my proposal to your Excellency for doing away with the system of stopping part of the pay of the African soldiers formerly levied, at least in as far as those in the employ of Government are concerned.

I have besides to thank President Topp for his care in warning the British subjects on the Coast against all force and unlawful influence on the part of masters with regard to the engagement of their slaves in the Indian service. This measure gives me the assurance anew, that my instructions to the Commanding Officer at Elmina, and to the Officers of the Depot under his command will be followed, strictly followed, in the full spirit of the example given them by me, by leaving it to the choice of every recruit at the moment of embarkation, to consider himself free from this military engagement, and yet still to retain his emancipation, by allowing the free egress and ingress of the forts to all the troops in the intervals between military service; and even to give the preference to the Ashantee recruits in their full uniform as conductors of the transports from Coomassie to Elmina.

I may not venture to give your Excellency any advice respecting the answer to be returned to the 2 Notes of the British Minister, nevertheless I trust that the foregoing may not be found utterly inadequate to that purpose.

With the present I have the honour to return to your Excellency inclosed the Documents sent for my perusal.

(Signed)

GENERAL-MAJOR VERVEER.

BRAZIL.

No. 72.

Mr. Hamilton Hamilton to Viscount Palmerston.—(Rec. May 4th, 1837.)

MY LORD,

Rio de Janeiro, 27th February, 1837.

I HAVE the honour to enclose for your Lordship's information the answer returned, by the Imperial Government, to my note on the subject of the "*Mindello*" slaver, captured on the Coast of Africa, which was sent home in my Despatch of the 17th of January last.

The same note, however, launches out into very many other topics, connected with this detestable traffic, and seemed to require the detailed rejoinder, which also I have the honour to forward herewith, under No. 2.

Inclosure No. 3 contains a report of arrivals in this vicinity from the Coast of Africa during the month of January.

Accounts from England, brought by Her Majesty's Ship "*Conway*," speak of the conclusion of the definitive Convention between Great Britain and Portugal for the Abolition of this commerce; and reports, direct from Senhor Galvao to the Imperial Government, speak also to the same point. Considerable anxiety is in consequence felt for the arrival of the next packet. Intelligence of such an event would be hailed by the Government with great cordiality.

I have, &c.

(Signed)

HAMILTON HAMILTON.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 72.

M. d'Agular Pantoja to Mr. Hamilton.

(Translation.)

Rio de Janeiro, 30th January, 1837.

THE Undersigned, &c. &c., has the honour to acknowledge the receipt of the note addressed to him on the 1st instant by Mr. Hamilton Hamilton, &c. &c., accompanied by a Despatch from the British Commissioners in Sierra Leone, announcing the capture and condemnation of a vessel named the "*Mindello*," employed in the Slave Trade, under the Portuguese flag; and by two reports, one showing the number of vessels which had entered and landed slaves in Rio de Janeiro, and other provinces, or which were fitting out for the same object; and the other, the names of several officers of the Brazilian navy, who are said to have commanded some of these vessels! The Undersigned can assure Mr. Hamilton that the Imperial Government detests the infamous traffic, and has taken, and continues to take the most active measures for its suppression, and will immediately issue the most positive orders to institute the most rigorous inquiries respecting the persons mentioned in the said reports, in order that, in case of their protection or connivance being proved, they should be exemplarily punished with the utmost rigour of the law.

The Undersigned cannot, however, omit to observe to Mr. H. Hamilton, that the person who supplied the information relatively to the landing of slaves on the estates of Brazilian proprietors, renders himself liable to suspicion, inasmuch as he did not scruple to impugn the honour of an upright magistrate, such as Señor Joze Carlos d'Almeida Torres, with whose probity and honour the Undersigned is well acquainted, and whom he knows to be incapable of committing an unworthy action; his estate, moreover, being situated in the interior, on which, in consequence, negroes could not, as was affirmed, have been landed.

The Undersigned must also inform Mr. H. Hamilton that the Imperial Government has learnt with great surprise and regret, that several English merchants, moved by the desire of gaining great profit, have imported from Great Britain merchandises calculated only for the Slave Trade, and which has had the effect of encouraging the said traffic; these illegal dealers in human flesh, supposing that it is only philanthropists belonging to the African Society who oppose the traffic, and not the general mass of the English nation. Were it not the wish of the Imperial Government to use the greatest circumspection in such a scandalous affair, it would now point out the English houses and merchants who encourage this nefarious commerce, and of whom it has received information.

It being necessary, however, to correct this terrible abuse, the Undersigned brings this fact to the knowledge of Mr. Hamilton Hamilton, in order that the enlightened English Government, which has acquired indelible glory from having been the first to employ its utmost efforts to destroy this scourge, may take the necessary steps to prevent the introduction of the said merchandise to Brazil.

The Undersigned, however, cannot but express his continual communications made by Mr. Hamilton Hamilton on this subject, should serve to indicate that the Brazilian Government does not employ all its means in order to crush a monster so criminal as the traffic in question,

being obvious that the Imperial Government, struggling as it is with civil war at the two extremities of the empire, where nearly all its naval force has been employed, has not been able to assist effectually in its suppression, and having, moreover, to contend with the opinion, erroneous, but unfortunately very general with the public (from what may be inferred from representations to the Legislative body), that African labour is absolutely necessary for agriculture; whilst Great Britain, more interested in the execution of the Treaty which she herself proposed, and to effect which she has laboured so strenuously, does not employ the cruisers, or the necessary activity stipulated for in the same Treaty.

The Imperial Government, without designing in the slightest degree to tolerate, and still less to exculpate Brazilian subjects, thus violating the laws, cannot but observe that persons employed in the service of Great Britain seem desirous to exercise on the territory of Brazil alone a degree of vigilance which is far from becoming them, when they might employ it with greater benefit to the cause of humanity on the sea.

The Undersigned, &c.,
(Signed) GUSTAVO ADOLPHO D'AGUILAR PANTOJA.

Mr. Hamilton Hamilton,
&c. &c. &c.

Second Enclosure in No. 72.

Mr. Hamilton to M. d'Aguiar Pantoja.

Rio de Janeiro, February 22d, 1837.

MONSIEUR LE MINISTRE,

I HAVE the honour of replying to your Excellency's note of the 30th ultimo, on the subject of certain reports relating to Slave Trade, which were submitted to your consideration in my note, dated the 7th of the same month.

It ought not to be assumed that the representations which I may have to bring forward respecting the traffic in slaves, I should pledge myself for the exact truth of every essential particular contained in them. It must often be very difficult to procure full and satisfactory proof even in cases of the most atrocious delinquency, where so many individuals are implicated, and so many interested in concealment, but whenever any are pointed out by public rumour as connected with the traffic in question, it must surely be both desirable and convenient to a Government bound by Treaty to its suppression, to be made acquainted with these rumours, and even these individuals themselves, if innocent, are benefited by the opportunity thus afforded for establishing and proclaiming that innocence.

But with reference more particularly to the case of the slave cargo of the brig "*Silencio*," said to have been landed on the Fagenda of Senhor José Carlos d'Almeida Torres, in the month of December last, I have to state that immediately after the receipt of your note of the 30th ultimo, in which that information is called in question, I caused further inquiries to be made, and have again been assured that such a landing did take place, if not on, at least near to the said Fagenda; for although not absolutely on the coast, the estate is said to be not very far from it, and to be accessible by a river: and furthermore, that is believed the negroes were still on the property for sale a short time back. It is by no means asserted that the debarkation was effected with the privacy of Senhor d'Almeida Torres, or that he was a party to the transaction; but if he has lately visited his estate, he may be able to explain, probably, in what the erroneous report may have originated, and who are the persons really concerned.

Far be it from me, M. Le Ministre, to question for one moment the probity and integrity of Senhor Almeida Torres, or to consider him capable of a base or derogatory action, because I do not enjoy the honour of his acquaintance. But it is unfortunately notorious that numberless individuals here, of characters most reputable in other respects, are still engaged in the traffic now under the ban of almost all the civilized world; and that from being promoted and protected by such characters, it is rarely considered in Brazil in the light even of a moral blemish, much less as a crime of the blackest die of inhumanity and of irreligion.

I could here mention other estates in the country, depositories of slaves, of which the proprietors are exalted alike in rank and in reputation, together with other corroborating circumstances, in testimony that this rank and reputation does not always scruple to participate in a commerce so degrading; but I refrain from doing so, for I believe the Imperial Government to be quite sincere in its desire to abolish it; and that its desire to abolish it, and that its labours to that end, how much soever thwarted and opposed at the present juncture, by individuals eminent in authority, or powerful through their wealth, must ultimately prove successful.

But Your Excellency advances that the traffic in negroes is encouraged and supported by English commercial houses established in this place, who import merchandise suitable to its demands; and in consequence you recommend that the British Government prohibit the exportation of such merchandise to Brazil. This certainly appears a strange argument, and a still more strange proposal, but I will endeavour to reply.

The Brazilian market calls for, and the British merchant supplies, certain manufactures. With the final destination of these goods neither the artisan who prepares them; nor the shopkeeper who sends them, need be supposed acquainted: their interest in them ceases with the sale. But when once it is sought to establish a system of prohibition with regard to certain exports, it matters little from what country, in order to obviate any possible subsequent misapplication, it must be exceedingly difficult to decide where the system shall cease and determine; ammunition, arms, knives, &c., are all in like manner liable to be converted to undue and illegal uses; and they are so converted continually, and being so ought to be included in the schedule.

The manufactures, however, of which Your Excellency more particularly prohibits the exportation from England, are not all employed or consumed in illicit trade, even on the coast of Africa; an honest and legal barter exists for them in exchange for gold-dust, ivory, &c. &c., and even a very large portion of them is annually consumed in Brazil itself by the natives and residents.

It is, however, not exclusively from Great Britain that articles adapted to the African Slave Trade are brought to this market. Many other parts of Europe also contribute their quota of manufactures, but in the like manner, indirectly to the same contraband commerce.

CLASS B.

I

But if Your Excellency is really serious in your argument; if the Brazilian Government does really conceive that certain merchandise brought into Brazil has a tendency to encourage and augment Slave Trade, why, I would ask, does it not take the initiative in this instance? Why does it not, pledged as it is equally with Great Britain, to the abolition; why does it not prohibit at once the exportation of every description of merchandise from the Brazilian territory to the shores of Africa, knowing as it must know, that the greater part of such exportation is intended expressly for the purchase of negroes destined for the Brazilian market?

With reference to those petitions addressed to the Legislative, mentioned in Your Excellency's note, petitions which proclaim that importations of slaves are indispensably necessary for the agricultural purposes of the country, I will just remark that they appear solely to proceed from those districts where the Slave Trade is in most active co-operation, and where consequently indolence and inhumanity, and all its concomitant demoralizing influences, are more fearfully and deeply prevalent.

But it is to be hoped that in the approaching Session of the General Assembly, the wisdom of the Executive will demonstrate the fallacy of these representations, and its power provide for the evil we deplore, a suitable, prompt, and permanent remedy.

Aware, M. le Ministre, that the disastrous state of affairs in the northern and southern provinces of the empire rendered its navy less disposable for other objects, His Majesty's Government has refrained from pressing on the Imperial Government the fact of the little assistance which that marine has contributed to the suppression of the Trade. Indeed that assistance, even in the opinion of the Imperial Legislature, has been so inconsiderable, and so few ships have been provided for the service in question, that, as must be well known to Your Excellency, the one hundred Contos de Reis, which for several years antecedently had been appropriated to it in the annual budget, has been looked upon as superfluous, and discontinued in that of 1837-8. But the issue of events both to the north and to the south promises auspiciously for the cause of legality; and the executive will doubtless seize the very earliest moment when that branch of the military power of the empire shall be at liberty to direct its energies to the attainment of this other most salutary purpose.

Your Excellency further complains that some of the authorities of Great Britain wish to exercise within the territory of Brazil a right of vigilance which does not belong to them; a vigilance, too, which might be more properly be exercised at sea, and with effects more beneficial to the cause of humanity. I must be permitted to observe in answer, that Great Britain has interfered through her authorities in Brazil, there only where by Treaty she is justified in interfering; and when, however zealous and upright may be the intentions, and however sincere the promises of the Government, the remissness and connivance of many among the subordinate authorities of the State has amounted to an infraction of the engagements it has contracted towards Great Britain.

Any balance account of the services rendered by the two Governments respectively towards the humane object they have in view, must be unnecessary; and I will abstain therefore, though not for want of matter, from any further observations connected therewith. I limit myself only to repeat once more the conviction entertained by my Government, that the Government of His Imperial Majesty is sincerely disposed to labour for its attainment; but that my Government cannot but regret at the same time that the system of irresponsibility and impunity which seems to be followed with regard to so many public officers whose contumacy is notorious, should render those labours almost entirely useless.

Your Excellency will find enclosed herewith a statement of arrivals in this port and the neighbourhood, from the coast of Africa, with slaves during the month of January last.

I avail myself, &c.

(Signed) HAMILTON HAMILTON.

His Excellency Senhor G. A. d'Aguila Pantoja.
&c. &c. &c.

Third Enclosure in No. 72.

(Copy.)

Particulars of sundry Vessels engaged in the Slave Trade, under the Portuguese Flag, that have arrived at this Port of Rio Janeiro in Ballast during the month of January, 1837, after having landed their cargoes of Slaves on the coast of Brazil.

Rio de Janeiro, 1st February, 1837.

Brig, "*Don Manoel de Portugal*;" from Angola, embarked 600 slaves; of these 78 died on the voyage, and 527 were landed at the lake of Roderigo de Facitas, in the vicinity of this city. The slaves were for some days deposited near to the Botanic Gardens. This vessel remained two days off this port, and fired six guns at intervals as signals, which were ultimately answered from the shore by a balloon being let off into the air. The slaves on board belonged to a person named Roderigo, a Brazilian subject.

Patacho "*Jove*," from Loanda. Landed 335 slaves in the neighbourhood of the island of St. Sebastiao.

Patacho "*Andorinha*," from Loanda. Landed 312 slaves in the neighbourhood of the island of St. Sebastiao.

Schooner "*Flor de Loanda*," from Angola. Landed 297 slaves in the neighbourhood of the island of St. Sebastiao.

Patacho "*Luiza*," from Angola. Landed 287 slaves at the port of the island of St. Sebastiao.

Patacho "*Dous d'Abril*," from Angola. Landed 297 slaves at Campos.

Brig "*Adamastor*," from Quilimane. Embarked 800 slaves; of these 304 died on the voyage, and 496 were landed near to Santos.

Patacho "*Eliza*," from Angola. Landed 387 slaves at Paraty.

Brig "*Leao*," from Angola. Landed 614 slaves at Campos.

Brig-Schooner "*Rio Zua*," from Angola. Landed 319 slaves at the estate of a person of the name of Guimaraes, at the Ilha Grande, being for the account of José Bernadino de Sa, a Brazilian subject.

Brig "*Diligencia*," from Angola. Landed 475 slaves at Machai.

Brig "*Leao*," from Quilimane. Embarked 855 slaves; of these 283 died, or were thrown over

board alive, during the voyage. The smallpox having appeared among the slaves, 30 of them were immediately thrown overboard alive; afterwards, the measles made its appearance, of which 253 died. The remaining slaves, 579 in number, were landed on the coast of Brazil at Mossambaye, near to Ilha Grande, but in so miserable a state that the greater number could not walk, but were carried on shore. Some of the crew of the vessel also died from the sickness on board.

Total number of slaves imported as above by 12 vessels during the month of January last, 4870.

(Signed)

DAVID STEVENSON.

No. 73.

Mr. Hamilton Hamilton to Viscount Palmerston.—(Received May 13th.)

MY LORD,

Rio de Janeiro, March 22nd, 1837.

I HAVE the honour to transmit for your Lordship's information the reply returned by Senhor Limpo de Abreo to my confidential communication to His Excellency's predecessors, dated February 22nd (sent home in my Despatch of the 27th ultimo), on different points connected with the traffic in slaves, together with my rejoinder.

I transmit, at the same time, a report of the Slave Trade arrivals, in the vicinity of this Port, during the month of February.

I have, &c.

(Signed)

HAMILTON HAMILTON.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 73.

(Translation.)

M. Limpo de Abreo to Mr. Hamilton.

Palace, Rio de Janeiro, March 6th 1837.

MOST ILLUSTRIOUS AND EXCELLENT SIR,

I HAVE the honour to acknowledge the receipt of the confidential letter that Your Excellency addressed to my predecessor, dated the 22nd ultimo, in which you make several observations on the contents of the official note, which he had addressed to you on the 30th of January last; and being desirous of responding to the frankness with which your Excellency expresses your sentiments, will, in like manner avail myself of the form of a confidential letter, in order to reply to the points to which Your Excellency refers.

I am much gratified that Your Excellency recognises the obstacles which oppose the obtaining full and satisfactory proof, even in cases of the most atrocious delinquency: this sufficiently explains the necessity for caution which ought to guide the decisions of Government with regard to the judiciary power, to which it exclusively belongs to investigate, and to institute proceedings in cases of the illicit introduction of Africans, as at different times it has been ordered to do. Your Excellency will allow that a special order on the part of the Government to inquire into the conduct of individuals, could not fail to wound, to a certain extent, their credit and reputation, and for that reason should only be instituted on the authority of documents or other proofs, or on such clear presumptive evidence, as would protect the Government from all undue responsibility as well as the danger of incurring censure for want of prudence and consideration, when the case should be tried, and the innocence of those same individuals perhaps ultimately established.

I was also pleased to find that later information obtained by Your Excellency regarding the landing of Africans, said to have been effected on the estate of Senhor José Carlos d'Almeida Torres, modified that previously received; and I duly appreciated the frank declaration on the part of Your Excellency, that you were far from asserting in your first note, that that gentleman had the least concern or part in that debarkation and sale. It is not only from his public character, from the eminent post that he has filled, nor from the important services that he has rendered, that Senhor Almeida Torres has claims to the credit and reputation which he enjoys in his own country, but also for the moral and just principles which characterize and distinguish him, and which avert from him the slightest shadow of suspicion of consenting, favouring, or tolerating in any manner whatever, directly or indirectly, a traffic so inhuman and abominable.

The suggestion which my predecessor made in his note before mentioned, with regard to the prohibition in Great Britain, of the exportation of goods which can only be intended for the purpose of purchasing negroes on the coast of Africa, does not appear to me to have the signification which Your Excellency attributes to it. In my opinion it should be regarded as an invitation to further discussion on the subject, and as a declaration, which being confirmed by subsequent and circumstantial investigation, may be agreeable to the English Government, interested as they evidently are in counteracting every measure that the thirst for gain might prompt, and which tends to advance such a detestable trade.

With regard to Your Excellency's observations, concerning the representations which have been addressed to the Legislative Assembly, respecting the continuation of the Slave Trade, since it is thought necessary for the agricultural wants of the country, Your Excellency does but justice to the feelings of the Government, in believing, that notwithstanding those representations (which nevertheless are numerous, and from many districts) they will not fail to advocate and to vindicate with their utmost efforts before the Legislative Assembly, the rights of humanity, and the real interests of Brazil. It is also fit here to remind Your Excellency, that the Legislature was always animated

by the same desire, of which, among others, the law of the 7th of November, 1831, is a proof; and that the Government have not ceased to assist effectually in the suppression of the illicit traffic in slaves, by urging the authorities to proceed criminally against the delinquents, and by promoting the colonization of free labourers, as may be seen by the registers in the different officers of state; in short, by many other means well known to your Excellency.

Nor can I omit to remind Your Excellency, that the Imperial Government, previous to the out-breaking of the disturbances which have desolated the two provinces of Para, and Rio Grande de Sul, had always kept cruisers on the coast of Brazil, and even subsequently to these untoward events, never diverted its attention from that object: inasmuch as besides having sent vessels to cruise on the coast of the Algoas, where it was reported the disembarkation of negroes was effected, they have recommended to the vessels-of-war, anchored in the ports of some of the northern and southern provinces of the empire, the greatest vigilance and care in order to prevent such landings. The Imperial Government are persuaded that cruisers are one of the most efficacious means of repressing the unlawful trade in Africans, and succoured by the powerful assistance of the British ships-of-war, entertain the hope of seeing that desirable and philanthropic object attained.

The non-application of the 100 contos of reis, intended for the purchase of small vessels, in order to suppress the Slave Trade, does not authorize the conclusion that Your Excellency draws. They were to have ceased at a given period, and the Legislature in its wisdom, considered that period arrived.

Being informed of the contents of the list, transmitted by Your Excellency, of vessels which arrived in ballast at this port in the month of January last, after having landed slaves on the coast of this province, and on that of St. Paul's, I can assure Your Excellency that the Imperial Government are about to issue the necessary orders to proceed in form of law, with regard to the facts pointed out in the same list, inciting the zeal and activity of the Presidents and judiciary authorities of those provinces.

I avail myself, &c.
ANTONIO PAULINO LIMPO DE ABREO.

(Signed)
His Excellency Hamilton Hamilton, Esq.
&c. &c. &c.

Second Enclosure in No. 73.

Mr. Hamilton to M. de Abreo.

Rio de Janeiro, March 18th, 1837.

THE Undersigned, &c., has the honour to acknowledge receipt of the letter of Senhor A. P. Limpo de Abreo, of the 6th instant, written in reply to one addressed by the Undersigned, to Senhor Gustavo Adolfo d'Aguilar Pantoja, on the 22nd ultimo.

On this occasion the Undersigned will limit himself to one observation, and that a very brief one, relative to the suggestion made by Senhor d'Aguilar Pantoja in a preceding note, that the exportation from Great Britain of all manufactured goods which are to be employed ultimately as a means for the purchase of negroes on the coast of Africa, be prohibited by the British Government.

The Minister of Foreign Affairs interprets this suggestion in a manner different from the Undersigned. His Excellency conceives it should be regarded in the light of an invitation made to the British Government, for further discussion on the subject, &c., &c.

Without stopping to inquire here which interpretation may be the more correct, the Undersigned will merely remark to His Excellency, that as a proposition emanating from the Imperial Government to the British Government, it can, in the opinion of the Undersigned, be brought regularly under the consideration of the latter, only through the medium of the Imperial Minister at London.

The note, however, in which is found the suggestion in question, has been submitted to the King's Government, and it may perhaps be considered advisable to provide the Undersigned with instructions on the subject.

The Undersigned avails himself of the present opportunity to submit to the consideration of His Excellency a return of African Slaves landed on the coast of this province, and to the southward, during the month of February.

The Undersigned, &c., &c.

(Signed) HAMILTON HAMILTON.

His Excellency Senhor Antonio Paulino Limpo de Abreo,
&c. &c. &c.

Third Enclosure in No. 73.

Particulars respecting sundry Vessels engaged in the Slave Trade, under the Portuguese Flag, that have arrived at this port of Rio de Janeiro, in Ballast, during the month of February, 1837, after having landed their cargoes of Slaves on the coast of Brazil.

Rio de Janeiro, March 1st, 1837.

Brig, "*Flor de Quilmane*," from Quilmane, embarked 850 slaves, of these 163 died on the passage, and 697 were landed at Campos in a very sickly state.

Brig, "*Mercurio*," from Angola. This vessel has made two voyages since she left this port. The first voyage she landed 572 slaves at Campos, and on the present voyage 512 slaves at the islands of Palmas.

Brig, "*Johovah*," from Angola. This vessel, since she left this port thirteen months ago, has made three voyages without entering any port. The first voyage she landed 700 slaves, very sickly, at Ponta Negra, about half way betwixt this port and Cape Frio; on the second voyage 600 slaves at the island of Saint Sebastiao; and on the present voyage 520 slaves at Tapier, close to the entrance of this port. The greater number of these last were put into boats and fishing canoes and brought to town.

Smack, "*Henriqueta*," from Angola, landed 263 slaves, in canoes, at the house of an officer, near the fort of Saint Joao, at the entrance of this port.

Total number of slaves imported by four vessels as above, during the month of February last, 1992.

No. 74.

Mr. Hamilton Hamilton to Viscount Palmerston.—(Received June 18th.)

MY LORD,

Rio de Janeiro, April 18th, 1837.

WITH reference to your Lordship's Despatch of the 22nd of October last, relating to certain evils, which result from the delays experienced in the adjudication of slavers brought before the Mixed Court sitting in this capital, which Despatch conveyed instructions, that I should employ all the means in my power, to induce the Brazilian Government to accede to, and enforce the execution of, any plan which His Majesty's Commissioners might devise for the removal of those evils, I have the honour to forward herewith a note which, in obedience to these instructions, I addressed to the Foreign Department, together with the answer, recently received.

Although this answer does not pledge the Imperial Government to go quite so far as might be wished, in conforming itself to the recommendations proposed by His Majesty's Commissioners, still it is satisfactory to perceive therein evidence of a disposition favourable, on the whole, to the attainment of the humane object held in view. The Minister encourages a hope, that the assistance of a hulk for the reception of negroes who might hereafter be captured by His Majesty's cruisers, and be sent hither for adjudication, may, eventually, be conceded; and he engages, that the question of abrogating the existing system of embargoes on the sentences of the Mixed Court shall be brought before the Legislature on the approaching Session.

I have, &c.

(Signed)

HAMILTON HAMILTON.

The Right Hon. Viscount Palmerston. G.C.B.

&c.

&c.

&c.

First Enclosure in No. 74.

*Mr. Hamilton to M. Limpo de Abreo.**Rio de Janeiro, February 18th, 1837.*

INSTRUCTIONS having been received from His Majesty's Secretary of State for Foreign Affairs by His Majesty's Commissioners in the Mixed Court, to consult with their Brazilian Colleagues as to certain arrangements calculated to remedy the great evils suffered, not only by the negroes, but also by the prize crews, on board vessels brought into this Port under the Treaties for Abolition of Slave Trade, and detained during the proceedings before the said Court, His Majesty's said Commissioners did in accordance with such instructions bring this important affair before their colleagues on the 31st December last.

In consequence of the Christmas holidays, the Court did not assemble again until the 13th January, but on that day the Brazilian Commissary Judge, although he did not deny the existence of all the wretchedness and misery which form the basis of the minute of December, 1831, yet declined to recommend to his Government the measures therein proposed for its abatement, under the plea that the objects to which they were to be directed are essentially and solely British, and could not but involve the former in considerable trouble, responsibility, and expense.

Of the two minutes recorded in the Court at those sittings, the undersigned, &c. &c. has the honour to enclose Copies to His Excellency the Minister for Foreign Affairs, and to accompany them with the following observations:—

The evils adverted to in the minute of the 31st December, have been long notorious, and it is to mitigate them that the propositions submitted by His Majesty's Commissioners are directed. But their Brazilian Colleague in answer pleads incompetency, and refuses to interfere in a question which he assumes to be foreign to Brazilian interests, suggesting that if it must be brought forward it be treated diplomatically.

Instructed then as he is by His Majesty's Government to use all the means in his power to induce the Imperial Government to accede to, and enforce the execution of any plan which the Commissioners may devise for the attainment of the humane object in view, the undersigned only fulfils his duty by referring in this manner to the consideration of the Imperial Government, the proposition which the Imperial Commissary Judge declined to entertain.

It is, as that Government must be aware, not only on subjects of the King that these evils fall, although to them certainly a very heavy share is allotted: these evils are felt also by many amongst His Imperial Majesty's subjects, other than those implicated in the illegal and nefarious traffic, but still more intensely by those unfortunate beings who are its immediate object.

The pretension of the Brazilian Commissary Judge, that measures intended to afford relief to negroes under detention, &c., are to be considered wholly as a British concern, appears to the undersigned to be fallacious, the spirit of all the compacts between the two countries for the destruction of Slave Trade, being a sincere and zealous co-operation of the contracting parties. But independently of this consideration, the deplorable evils in question are the work, if not exclusively, at least to a considerable degree, of Brazilian citizens; and surely, therefore, by way of atonement for this delinquency of its subjects, it is only the more incumbent on the Brazilian Government to adopt the remedial measures for which the emergency of the case represented by the British Commissioners seems to call.

With regard to any expenses to be incurred by preventive arrangements. Subsidiary to this matter, a similar participation seems reasonable, and the adjustment thereof to come properly within the scope of the labours of the Mixed Commission.

The Imperial Government professes to desire most sincerely the total eradication of slavery: it has pledged itself indeed repeatedly to the adoption of measures fitted to the attainment of such a philan-

thropic purpose. For the complete redemption of this pledge much remains to be done; some little advance, however, may be made even at this moment. By a frank and cordial union with Great Britain, in the sense of the project recommended by her Commissioners, it is possible to temper and abate materially the minor calamities by which the commerce is accompanied; and the undersigned is pleased to believe that the Imperial Government, in deference to that consideration, will enable him to inform his Government that the Imperial Commissioners in the Mixed Court have been instructed to enter into concert and arrangement with their British Colleagues on the proposition brought forward by the latter on the 31st December: and where reference to the Legislature may be found requisite, that such reference shall be made immediately after the opening of the Session.

In soliciting His Excellency, Senhor Gustavo Adolfo d'Aguilar Pantoja, Minister of Foreign Affairs, to bring the important topic discussed in this note under the consideration of the Government of His Imperial Majesty, the undersigned has the honour to reiterate to His Excellency the assurances, &c. &c.

(Signed)

HAMILTON HAMILTON.

His Excellency Senhor Antonio Paulo Limpo de Abreo,
 &c. &c. &c.

Second Enclosure in No. 74.

(Translation.)

*M. Limpo de Abreo to Mr. Hamilton.**Rio de Janeiro, 22rd March, 1837.*

THE Undersigned has the honour to acknowledge the note which Mr. Hamilton Hamilton addressed to him, dated the 18th February, with copies of a Proposition made by the British Members of the Mixed Commission established at this place, in which are set forth the great hardships endured, not only by the blacks, but likewise by the crews of vessels, which are brought into this port in conformity with the Treaties for the Abolition of the Slave Trade, and detained during the proceedings before the said Commissioners, as well as a representation relative to the delays which occur from the commencement of the proceedings until their conclusion, and the delivery of the negroes to the Brazilian authorities, suggesting as means proper for lessening those evils, the grant by the Imperial Government of a Hulk in which the negroes might be placed, immediately on their arrival here, and likewise the necessity of abridging still more the proceedings by means of just and philanthropic provisions with reference to the delays which the parties may oppose to the sentence of the Mixed Commission, conformably with the usages of the country, alleging that, in the opinion of the British Commissioners, such delays are contrary to the spirit of the Treaties. This proposition of the British Commissioners was by them brought before the Brazilian member of the same Commission, inviting the latter to determine by common accord, on the manner of obtaining from the Executive such provisions as had been indicated; but since the Brazilian Commissioners Senhor José Carneiro de Campos did not consent to enter into a discussion of this nature, replying to the invitation of the British Commissioners, that it appeared to him more proper that such decision be solicited of the Brazilian Government through the Minister Plenipotentiary of Great Britain resident there. Mr. Hamilton Hamilton, adhering to this suggestion, submitted the said proposition to the consideration of the Imperial Government, together with some general observations, the object of which is to demonstrate both, that the hardships and evils to which it refers, are principally felt by the unhappy beings who, from the chief object of the provisions required, and also that the spirit of the Treaties for the Abolition of the Slave Trade, is that of a sincere and zealous co-operation of the two contracting parties; and likewise that the deplorable evils in question are the work, if not exclusively, at least to a considerable extent, of Brazilian subjects. Mr. Hamilton Hamilton deducing from the premises, which he thus establishes the corollary, that it is incumbent on the Brazilian Government, by way of atonement for this delinquency of its subjects for which the emergency of the case represented by the British Commissioners seems to call.

The Undersigned, in answering this note, will commence by informing Mr. Hamilton Hamilton, that the Imperial Government approved of the reply made by the Brazilian Commissary Judge, Senhor José Carneiro de Campos, inasmuch as the Mixed Commission, not being able to go beyond the Powers defined in the Regulation of the 28th July, 1817, the Brazilian Members thereof were assuredly not authorized to enter into a discussion of the point which was proposed to them, and for which, on the other hand, the British Members had received instructions from their Government.

The undersigned, likewise, cannot omit submitting to the consideration of Mr. Hamilton Hamilton, that the Imperial Government takes on itself, without any assistance from the British Government, the guard and expenses of the negroes who may be captured by Brazilian vessels and authorities, and that it pays equally its share of the expenses which, after sentence is given, until execution thereof, are incurred for those negroes who may have been captured by British vessels, it thereby being clearly evident that the proposition, which has for its end and object to share with the Imperial Government a portion of the expenses of the negroes taken by British vessels, and brought into the harbour of Rio de Janeiro, far from being founded on arguments of reciprocity, would encroach on it materially, and tend, contrary to the spirit of the Treaties, and even to the principles of justice, to establish an intolerable inequality. The two first arguments brought forward by Mr. Hamilton being thus confuted, nor assuredly does the argument which is deduced from the share taken by Brazilian subjects in the Slave Trade, appear of greater weight in defending the propriety of this demand. In the first place, it must be acknowledged, that this traffic is carried on ostensibly under the Portuguese flag; and besides this, since it is incontestable that the Imperial Government has concurred, and is always ready to concur in its repression with all the means within its reach; no principle of right or justice can render it responsible for acts done in despite of its orders, and the efforts it has made so appropriately to prevent and punish them. But, notwithstanding all this, the simple grant of a hulk without any other obligation on the part of the Imperial Government, might form the subject of a special requisition, whenever a case where it may be necessary should arise, and on such occasions the Imperial Government will consider the possibility or impossibility of this assistance.

With respect to the delays consequent on the embargoes to which the sentences of the Mixed Commission are liable, the Undersigned considers them conformable to the letter of Article I. of the Regulation of the 28th July, 1817, which alone prohibits the power of appeal, and also consistent with the spirit of the Treaties which could never have been intended to withhold from the parties sufficient

means of defence, it being on such motives that the Imperial Government based its decision of the 17th April, 1836. In the mean time, however, the Undersigned will not hesitate to bring this subject before the Legislative body to whom alone it belongs to alter the laws of the country.

From the explanatory detail which the Undersigned has now made, Mr. Hamilton Hamilton will find no difficulty in perceiving the serious attention which the Imperial Government has given to his note of the 18th February, and that the resolutions of which the adoption has been deemed advisable are dictated by that spirit of impartiality and of justice by which it is guided, and those feelings of philanthropy by which it is animated.

The Undersigned, &c.
(Signed)

ANTONIO PAULINO LIMPO DE ABREO.

Hamilton Hamilton, Esq.,
&c. &c.

No. 75.

Mr. Hamilton Hamilton to Viscount Palmerston—(Received June 18th.)

MY LORD,

Rio de Janeiro, April 18th, 1837.

I HAVE the honour to forward for your Lordship's information copy of a note which I addressed to the Imperial Government on the 8th instant, founded chiefly on your Despatch of the 24th of December last, relative to the slaver "*Vinto dos de Setembro*."

One or two recent movements, on the part of this Government, appear to show some disposition to depart a little from the apathy which it has so long evinced on the Slave Trade Question. The following are the circumstances to which I allude.

A charge being brought against a Juiz de Paz at Mangaratiba, that he had taken bribes to deliver up to the importers 38 slaves, newly arrived, whom the Juiz himself had apprehended, a true bill was found against this magistrate in February last; and the ~~cause~~ appointed to be tried at the town in question. The result is not yet known, but the decision will be of the more importance, on account of its probable bearing, on the conduct of other justices of the peace in similar cases; and these are innumerable.

Secondly: On the 18th ultimo, an instruction was issued to the President of this province, requiring him to redouble his vigilance and activity for the discovery and punishment of transgressors of the Law of November 7th, 1831; the observance of which, it is added, is very closely connected with the reputation and dignity of the Government.

It is not improbable, and perhaps not unreasonable, that the Government, in its correspondence with the Imperial Representative at London, may take credit to itself, for having resisted the clamour of the opposition in the two Chambers, together with that of the very numerous and powerful body out of doors, whose individual interests are involved in a continuance of the traffic; and for having preserved the Law above-mentioned on the statute-book. I do really believe, that the Executive is sincere in the opinions and intentions which it professes on the subject; but its ability to perform is yet a problem, for the solution of which we must wait patiently till the opening of the Legislature.

The Slave Traffic Report, transmitted by the last mail, presented a list of importations less considerable than those of the two preceding months; but this was not to be taken as a criterion of diminished trade. Unfortunately, the accompanying Report for the month of March shows the augmented number of 7395.

As a satisfactory proof of the general accuracy of these Reports, it may be observed here, that the Government has excepted to two only of the numerous items they comprehend.

I have, &c.

(Signed)

HAMILTON HAMILTON.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 76.

Mr. Hamilton Hamilton to Viscount Palmerston—(Received July 26th.)

(Extract.)

Rio de Janeiro, May 24th, 1837.

I FORWARD herewith to your Lordship copies of my note, communicating to the Government the Report of slavers, which entered the Port of Rio during the

month of March last, and their respective cargoes, (transmitted home in my Despatch of the 18th ultimo) and of the answer sent by M. Limpo de Abreo.

I believe the late Minister to have been perfectly sincere, in his reprobation of the Slave Trade, and to have used, at all times, his best endeavours to give effect to the measures long since concerted for its abolition, and to such suggestions as it has been my duty frequently to press on the Government, for the furtherance of this humane object.

What may be the particular opinions of Senhor Montezuma, Senhor Limpo de Abreo's successor on this important subject, I have not yet had an opportunity of ascertaining from himself; but I hear, from what I consider creditable authority, that he is a decided abolitionist. At all events, your Lordship may be assured, that the most strenuous exertions on my part shall not be wanting to obtain, through his official interference, the execution of those engagements in this matter into which Brazil has entered with Great Britain.

It was the actual Minister of Finance, Senhor Branco, who signed, on the part of this Government, the Additional Articles to the Convention of November, 1826, which were negotiated by Mr. Fox in 1835.

The list of slavers which entered in April is enclosed; and, I regret to add, that, in the teeth of the Portuguese decree of December last, 21 vessels are now fitting out in this harbour, destined for the African Coast, under the Flag of Her Most Faithful Majesty.

First Enclosure in No. 76.

(Confidential.)

Mr. Hamilton to Senhor Antonio Paulino Limpo de Abreo.

Rio de Janeiro, 30th April, 1837.

MONSIEUR LE MINISTRE,

I HAVE the honour to transmit to your Excellency herewith a report of vessels employed in Slave Traffic, which entered the Port of Rio de Janeiro during the month of March last; the number of said vessels being 16, and of slaves imported therein 7395, showing a very considerable augmentation of this illegal and detestable commerce.

With respect to the brig "*Ceres*," No. 6 on the list, which arrived on the 4th of March, I beg leave to press on your Excellency's observation that her real Commander, and the individual specially charged with the expedition, appears to have been, although it is not so expressed in the list, the same Senhor Francisco Perez de Carvalho, who was one of the Brazilian Officers of the Imperial Marine, noticed by me on a former occasion as being engaged in the trade in question, and who was then stated to have sailed from Bahia to Mozambique in the prosecution of it; that he landed with the slaves composing the cargo of the "*Ceres*" at Campos, the vessel having been brought thence to this Harbour by the Flag Master, but that the name of Senhor de Carvalho, whether as her Commander, or as a passenger on board of her, is nowhere reported, although it is understood that his having so landed, is well known both in the Marine Arsenal and to the Marine Department.

I would take the liberty to inquire whether the Government of His Imperial Majesty does not consider the case more particularly referred to here, to constitute a manifest and remarkable contravention of the Compacts into which Brazil has entered for the Abolition of the Slave Trade.

I have, &c.

(Signed)

HAMILTON HAMILTON.

His Excellency Senhor Antonio Paulino Limpo de Abreo.

&c.

&c.

&c.

Second Enclosure in No. 76.

(Translation.)

M. de Abreo to Mr. Hamilton.

MONSIEUR L'ENVOYÉ,

Rio de Janeiro, 11th May, 1837.

I HAVE the honour to acknowledge the receipt of the confidential Letter which you addressed to me on the 30th ultimo, enclosing a list of vessels employed in the Slave Trade, which entered the Port of Rio de Janeiro during the month of March, together with the number of Africans on board these vessels. You informed me at the same time that the Commander of the brig "*Ceres*," and the person specially charged with the negociation, is to all appearance the same Francisco Peres de Carvalho, who is one of the three officers of the Brazilian Navy whom you denounced to me, as being engaged in the trade in question; and you conclude with the inquiry, if the Imperial Government does not consider that the above-mentioned fact constitutes a clear and remarkable breach of the Conventions to which Brazil is bound, for the Abolition of the Slave Trade.

I regret doubtless, Monsieur l'Envoyé, the recurrence of such practices; but I am bound to observe to you that if such practices do recur, it is by no means because the Imperial Government has not employed, to avoid them, all the means which it has in its power according to the law of the country; but it is because these means are unfortunately become insufficient, on account of the obstacles which the popular prejudices, and the sordid desire of obtaining great advantages by these detestable speculations, oppose to them. It is unnecessary to recall to your mind, M. le Chevalier, either the Law of the 7th of November, 1831, or the Order of April 12, 1832. These two measures bear witness to the co-operation of the Legislative and Executive bodies, for the annihilation of this contraband trade,

and although they have not produced the result which was in view, we must expect that they will ultimately succeed. The Imperial Government had also no doubt of completing the Additional Articles signed on the 27th of July, 1835, between the Brazilian Minister for Foreign Affairs, and the Envoy Extraordinary of His Britannic Majesty. Since these Articles depend on the approbation of the Chambers, I shall not lose an instant in demanding it, and in proposing other measures which may contribute to the extinction of the Slave Trade. It follows hence, that it is easy to conclude that the Imperial Government has been faithful to its promises, and that it has done and will do everything in its power to fulfil religiously those engagements, in order that the offenders may be punished, as its duty obliges it to do. Lastly, I have to inform you, that I have sent the Instructions and necessary Orders to the competent Authorities, to take measures in consequence of the facts of which you informed me, and that the three Officers of the Brazilian Navy who are suspected of being employed in contraband, should have the leave of absence which had been granted them rescinded, in order that their conduct may with greater facility be examined, and that they may be hindered from embarking in merchant vessels.

Receive, &c.
(Signed) ANTONIO PAULO LIMPO D'ABREO.

Hamilton Hamilton, Esq.
&c. &c. &c.

Third Enclosure in No. 76.

Particulars respecting sundry Vessels engaged in the Slave Trade, under the Portuguese Flag, that have arrived at this Port of Rio de Janeiro, in ballast or otherwise, during the month of April, 1837, after landing their cargoes of slaves on the Coast of Brazil.

Rio de Janeiro, May 1, 1837.

- No. 1. Bark "*Constante*," from Loanda, landed 694 slaves at Campos.
 - No. 2. Brig "*Paquete de Loanda*," from Angola; has made two voyages since she left this port. On the first voyage landed 427 slaves, at Paramqua, and now 393 slaves at St. Sebastiao.
 - No. 3. Brig "*Duas Irmãs*," from Angola, landed 520 slaves at Campos.
 - No. 4. Brig "*Asseiceira*," from Angola: landed 417 slaves at Marica.
 - No. 5. Bark "*Carolina*," from Quilimane: landed 976 slaves at the Island of Parcos, near to Ubatuba.
 - No. 6. Patacho "*Lealdade*," from Angola: landed 321 slaves at Ponta Negra.
 - No. 7. Smack "*Zenobia*," from Benguela: landed 319 slaves at Ponta Negra. When this vessel was visited by the Officers of the Customs, the Master, in conversation, told them that he had shipped a large monkey, which for safety he put into the apartment for female slaves; thus admitting his having had slaves on board, but the Officers were not authorised, because of the existing Instructions from the Imperial Government, to take cognizance of the fact.
 - No. 8. Brig "*Doze de Outubro*," from Benguela: landed 513 slaves at Paraty.
 - No. 9. Schooner "*Ligeira*," from Benguela: landed 411 slaves at Mangaratiba. This vessel, on her arrival, was reputed as having touched at Mangaratiba; yet that circumstance, and having an extra number of water-casks on board, is not considered to be sufficient to warrant proceedings against her for being engaged in the illicit traffic.
 - No. 10. Bark "*Resolucao*," from Angola: landed 710 slaves at Taipú, almost in sight of the forts. Has made two voyages since she left this port; and on the former voyage landed 794 slaves at St. Sebastiao.
 - No. 11. Schooner "*Triumfante*," from Angola: landed 322 slaves in canoes off this harbour, the greater number at the house of a Major named Vasco, who has a chacara at the Fort St. Joao, for the purpose; the remainder of the slaves were landed at the Praza of Santa Luzea.
- Total number of slaves imported by 11 vessels, as above, during the month of April last, 5596.

No. 77.

Mr. Hamilton Hamilton to Viscount Palmerston—(Received August 22nd.)

MY LORD,

Rio de Janeiro, June 24th 1837.

SEVERAL weeks of the present Session of the Legislature having passed away, without the adoption, or even the agitation, of any measures, in fulfilment of the engagements entered into at different times by Brazil towards Great Britain with regard to the Slave Trade, I addressed to the Minister of Foreign Affairs, on the 5th instant, the accompanying note, urging his immediate and most serious attention to the subject. No answer has been returned to this representation, but I have received from Senhor Montezuma a verbal assurance of his immediate compliance with my wishes.

My exertions, however, on this subject have not been restricted to this.

I have made it my duty to represent also, personally, to the Regent, how indispensable it has become, to redeem, without further delay, the innumerable pledges given by the Imperial Government; that this necessity is more particularly cogent, in what concerns the ratification of the Additional Articles to the Slave Trade Convention, negotiated by Messrs Fox and A. Branco, now 2 years ago; and that, however disposed to thwart the measures of the present Administration, and, especially, such as may have for their object the repression of Slave Trade, a large division of the Chamber of Deputies may be presumed to be, still it was

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imperative on the Government, to submit this question, and meet this opposition, under peril of incurring, in the contrary case, the imputation of bad faith.

His Excellency assented, and promised, that the Minister of Foreign affairs should be instructed accordingly, but, he added, that, there was but a very indifferent chance of obtaining the desired co-operation of the Chamber; and the hands of the Executive are powerless without it—at least to any useful purpose. I am sorry to say that there is but too much truth in all this; and that the difficulties of the question are augmenting, day after day, in proportion as the breach widens between the Executive and the more influential branch of the Legislature.

I have, &c.

(Signed)

HAMILTON HAMILTON.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 77.

Mr. Hamilton to Senhor Montezuma.

Rio de Janeiro, June 5th, 1837.

THE Undersigned has the honour to invite the particular attention of Senhor Francisco Je. Acayaba de Montezuma to the very extensive correspondence which has passed between himself and the predecessors of His Excellency in the Foreign Department of the Government, relatively to the traffic in slaves between the coast of Africa and Brazil.

In the series of notes from the undersigned, treating of this disgraceful commerce, will be found a mass of evidence, showing its constant progression in this part of His Imperial Majesty's dominions, the perfect impunity, not to say indulgence, which it meets with, and even the connivance of many of the imperial authorities.

These communications refer particularly to the long-suspended ratification by Brazil of the additional articles to the Treaty for its abolition, which were negotiated in July, 1835, by Mr. Fox and Senhor A. Franco; to the expediency of a new law, having for its object to prevent the transfer of Brazilian vessels to Portuguese subjects, &c. &c., and to other important measures of remission, which in the judgment of the British Government it behoves the Brazilian Government to adopt, as well on the ground of expediency as in deference to engagements solemnly contracted between them.

In its answers to the representations of the undersigned, the Imperial Government does not contest, in any one instance, either the inhumanity or the impolicy of the commerce, nor the sacred nature and the extent of its obligations to effect its abolition; but it declares without hesitation such powers as it holds at present to be inadequate to that end; and that in order to be enabled to work effectually in the spirit of those obligations, other and more extended provisions by the Legislature are found to be indispensable.

That it would use its most strenuous endeavours to obtain from the Chambers the more extensive authority here indicated, the Imperial Government has pledged itself repeatedly to the predecessors of the undersigned in this mission, and it has taken again and again the same engagements in its communications to the United States. But hitherto these pledges have not been redeemed, and a fourth-part of the allotted duration of the present Session has already expired.

The Undersigned, therefore, cannot longer delay again to solicit most urgently from the Minister of Foreign Affairs, the immediate and mature consideration of these important matters, and of the obligations, contracted or implied, to which they have given rise.

The instructions which the Undersigned has received from his Government, for his guidance on this point, are most peremptory; but it is agreeable to him to believe that the enlightened views on the subject, which are attributed to His Excellency, are a sufficient guarantee that his solicitation will not be made in vain; and that the zealous co-operation of His Excellency will not be wanting to produce a satisfactory result.

A memorandum is enclosed, showing the dates as well of the notes addressed to the Imperial Government on this subject, as of the answers returned; but to the one transmitted on the 8th of April, no answer has yet been given.

The Undersigned takes advantage of this opportunity to submit to the consideration of His Excellency Senhor Francisco Acayaba de Montezuma, the enclosed report of ships engaged in slave commerce, which arrived in this port from Africa, in the month of April last, and of their respective cargoes.

The Undersigned, &c.

(Signed)

HAMILTON HAMILTON.

To His Excellency Senhor Montezuma.

Sub-Enclosure in No. 77.

Dates of Notes addressed to His Britannic Majesty's Minister to the Imperial Government, relatively to Slave Trade.

1836.				
N ^o . 2.	.	.	.	June 29.
9.	.	.	.	August 23.
12.	.	.	.	September 4.
30.	.	.	.	December 4.
1837.				
7.	.	.	.	January 7.
11.	.	.	.	February 18.
13.	.	.	.	" 22.
18.	.	.	.	March 18.
20.	.	.	.	April 8.
23.	.	.	.	" 30.

Dates of Notes addressed by the Imperial Government to His Britannic Majesty's Minister relatively to the Slave Trade.

1836.

August 9.

" 30.

September 18.

1837.

January 7.

" 30.

March 6.

" 22.

May 11.

No. 78.

Mr. Hamilton to Viscount Palmerston.—(Received August 22nd.)

MY LORD,

Rio de Janeiro, June 26th, 1837.

I HAVE the honour to forward to your Lordship an ordinance, just promulgated by the Government for the more perfect execution of the Law of the 7th November, 1831, in what respects the visiting and searching of vessels arrived from the Coast of Africa.

I cannot doubt, that the intentions with which this Regulation has been framed were strictly honest, but with whatever success it may be brought into execution ultimately, it has failed, I am sorry to say, in the first and only trial it has had. Some modifications it is susceptible of; and the Minister assures me, they shall be introduced; but the internal evidence afforded by the vessel thus examined, of her having been employed in the contraband traffic of slaves, would have proved quite sufficient to justify her seizure, even with all the imperfections of the Regulation heretofore in force, had there not existed some very flagrant collusion.

I have, &c.

(Signed)

HAMILTON HAMILTON.

The Right Hon. Viscount Palmerston G.C.B.

&c.

&c.

&c.

Enclosure in No. 78.

Extract from the "Correio Official," of 14th June, 1837.

(Translation.)

June 6th, 1837.

WHEREAS it is expedient to adopt fresh precautions in the mode of visiting and searching vessels which arrive from the coast of Africa, so that the orders of Government, with regard to the faithful and rigid execution of the law of the 7th November, 1831, may not be eluded: and whereas the chief of the police has received instructions, that immediately on the arrival in this port of one of the above-mentioned vessels, he should cause it to be detained for three days, and should communicate the same to you. The Regent decrees, in the name of the Emperor Don Pedro II., that, immediately on receiving such communication, you will intimate officially to the Portuguese Consul-General, that, on the second day of the detention, and at the hour you may indicate, he do appear on board the vessel which may have arrived, to proceed to the examinations which, in accordance with the laws lately published in his country, it is his duty to institute; and that, being present yourself on this occasion, assisted by competent individuals, whose attendance must be required from the Inspector of the Marine Arsenal; and having previously officially instructed the *guarda mor da alfandega* (chief tide-waiter of the custom-house) to be likewise present, at the same hour, you do then and there proceed to the necessary examinations, causing to be drawn up a report of the result; the same to be signed by yourself and by the aforesaid competent individuals and the *guarda mor*.

The Government hopes that you will scrupulously direct all your attention to detect every indication which may prove the transport of Africans in contravention of the above law, in order to put an end to the abuse so scandalously persisted in, of this inhuman traffic.

God preserve you, &c.

(Signed)

F. G. A. DE MONTEZUMA.

No. 79.

Mr. Hamilton to Viscount Palmerston.—(Received August 22nd.)

MY LORD,

Rio de Janeiro, July 3rd 1837.

THE Marquis of Barbacena's opinions on the subject of Slave Trade have been made known to your Lordship in part by a Memorandum which he presented at the Foreign Office when in England in the early part of last year.

In the prosecution of his ideas respecting the abolition, he submitted to the Senate three days ago, the project of a law directed to that object, of which, and

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of the speech with which he introduced it, I have the honour to enclose Copies and translations.

To supply the deficiencies, and to remedy some of the apparent errors of the Law of November 7th, 1831, is the declared intention of the Marquis; but how far the measures of which he recommends the adoption are adequate to this end, I leave to your Lordship's better judgment to decide. Unless by delaying the departure of the Packet, which I am loath to do, I should not have time to enter fully into the consideration of a question so complicated, I have time only for a very few general observations.

There are faults in the project, which will assuredly not fail to suggest themselves to your Lordship. The most obvious perhaps is the absence of any distinct and specified provision regarding the registration of ships, and more particularly of those navigating under the Portuguese flag, in conformity to the Portuguese Commercial Code, and to the Portuguese Decrees of 17th December and 16th January last; or by which the traffic in slaves is pronounced to be piracy, and the punishment of it as such duly decreed and defined. Another, is the referring of the crimes enumerated in the project to the regular Law Courts of the empire, instead of to the Courts of Mixed Commission for cognizance and adjudication.

By the abrogation of the Law of November, 1831, the pains and penalties awarded therein to purchasers of slaves after the passing of that Law, would be annulled altogether; but, considering the long period which has elapsed since its promulgation, how considerable is the number of slaves illicitly imported subsequently, and how many of the most influential individuals of the empire have been implicated in the importation, the infliction of such pains and penalties would obviously be next to impossible. Still, however, it is expedient, that the prospective power of this Law should be preserved, and that it should remain in full force and effect, as regards any negroes imported after the promulgation of the Law now proposed.

But, however objectionable the project may be, and it is so in very many respects, and however defective, still it does possess one redeeming quality, namely, the insertion among its provisions of the additional articles—or, at least, the substance of them, negotiated by Mr. Fox.

The Marquis of Barbacena having spoken confidentially to me on the subject some four or five days before he submitted his proposition to the Senate, and having indeed read to me the heads of it, I took occasion to suggest verbally some alterations and additions; and subsequently I sent to him a written memorandum, in which they were more carefully developed. Of some of these suggestions he made use; he might with advantage, I think, have adopted many others: but the outline of his proposition was nearly complete, when he first adverted to it; and he was anxious to lose no time in bringing it forward.

Public discussion in the Legislature on a topic of this importance cannot, however, but have its attendant advantages. Amendments may be presented, while the question shall be before the Chambers; and I hope it may be possible so to frame them, that, if admitted, they will have the effect of rendering the law more perfect, and, therefore, more in unison with the wishes and the recommendations of His Majesty's Government.

The Marquis of Barbacena seems sanguine, that his Bill will pass. I do not partake this feeling; and, indeed, unless greatly amended, I almost doubt whether it is desirable it should pass. There are, I know, many well-thinking, clear-sighted individuals in both branches of the Legislature, who are sincere advocates of the abolition; but the majority there, either personally or through their constituents, have what, in their wilful blindness to the consequences, they allege to be a vital interest in the continuance of the traffic; and the latter will, I greatly fear, be successful in their endeavours to preserve it.

Brazil is essentially an agricultural country; but the native and creole population is altogether insufficient for the cultivation of the soil; and the great land-holders consider that this deficiency can be supplied effectually, only by having recourse to an unlimited introduction of labourers from Africa.

I have the honor, &c.

(Signed)

HAMILTON HAMILTON.

The Right Hon. Viscount Palmerston, G.C.B.,

&c.

&c.

&c.

Enclosure in No. 79.

(Translation.)

Speech of the Marquis of Barbacena in the Senate of Brazil, on the 30th June, 1837, together with his Project of Law for the more efficacious Suppression of the Slave Trade.

Extracted from the "*Jornal do Commercio*" of July 1st, 1837.

MR. PRESIDENT,—An experience of six years forces us to acknowledge that the Law of the 7th of November, 1831, very far from finally putting a stop to the traffic in slaves, as the Legislative body did at that time—nay, as it does still—so ardently desire, appears, on the contrary, to have been a powerful stimulus, giving energy, dexterity, and success to that class of traders who are especially occupied in importing slaves.

During the two first years after the passing of the Law, the importation of negroes was very small, because the means of illuding the examinations made in the Ports of Brazil at the arrival and departure of vessels had not been discovered; there had not been established the various deposits for the reception of slaves, and for their instruction in the Portuguese language; there did not exist any organised body of brokers* to conduct slaves to each fazenda, and tempt the cultivators to purchase. As soon, however, as all this machinery was prepared, the importation began to increase, and to such a degree that it may be safely asserted, without fear of exaggeration, that during the last three years it has been much more considerable than it had ever before been, when the commerce was unfettered and legal. Should the Legislature look on with indifference while the impulse given to this contraband trade continues with the increased activity which it has acquired, Brazil will very soon become, not the imitator and rival of civilised nations, but the imitator and rival of the Coast of Africa.

One evil, Gentlemen, is almost always followed by many others; thus the horrible crime of which the importers of slaves are guilty, has found countenance from our agriculturists, who, commencing with the purchase of slaves they supposed to be some time in the country, because speaking more or less of Portuguese, and deriving great advantage from these recruits, on account of the high and constant price of our produce, and chiefly of our coffee, did not hesitate afterwards to purchase as many as presented themselves, whether old or new, seduced by the irresistible desire, so natural to every one, of preserving and improving his fortune. But, in the meantime, what might not be the fatal result of this infraction of the Law? The General Legislative Assembly which, with so much foresight, knew how to frame laws to put down the traffic, will it now with similar foresight legislate beneficently for the interests of the agriculturists? Far be it from me to make an eulogium on those who knowingly infringe the law; but I must honestly confess that there never was any infraction of law which perpetrated such plausible reasons for being excused, if not forgotten, as that which the agriculturists of Brazil have been guilty of. They say with sincerity and truth—"There being no free labourers, (as indeed there are not) to substitute for the slaves, the necessary consequence will be the annual diminution, and that too with extraordinary rapidity, of the produce of our states, because diseases, old age, and death, will soon annihilate the largest army which does not receive recruits. It is a hard lot to be condemned to involuntary poverty; but, since Government thus determines, let it take the necessary precautions that slaves shall not be disembarked in Brazil; and let this satisfy it. But to pretend that agriculturists shall not buy slaves when they are brought to their very door, when even they have no means of ascertaining whether they are contraband or not, is to exact more than human nature is capable of."

Who will be found to deny the force of such reasoning? In truth, Gentlemen, to reject the present advantage in order to avoid a great but distant evil, is the part of Statesmen, of the Legislators of the Empire; but such conduct is far above the comprehension of the generality of men. I will not praise, I repeat, those who infringe the law, because it would be better at once to resort to the right of petition, to which some municipal Chambers have lately had recourse; but, I will unhesitatingly maintain, that if ever there are circumstances in which both reason and good policy counsel the oblivion of a crime, never were they more imperious than in respect of that of which I am speaking. They are not turbulent or revolutionary Brazilian subjects who, with arms in their hands, attempt to overthrow the Government and the Constitution, and to whom, in some instances, an amnesty has been granted; they are peaceable proprietors, heads of respectable families, men distinguished for industry and virtue, who promote both private and public prosperity by their labours, and who, by a double title, merit a complete pardon for the infraction of the law of which they are guilty.

As I have had the honour of sitting in this assembly since the first day of its installation, I am thoroughly acquainted with the sentiments of the Senate, and I will not therefore do it the injustice of occupying its attention any longer on the very urgent necessity there is to recast the above-mentioned law of 7th November, 1831, in such other form as shall confer powers more ample and more efficacious in their results, powers which, rendering difficult and almost impossible the importation of slaves, shall not prejudice the interests of the agriculturists.

They deserve the greatest security for the constant, absolute, and perfect enjoyment of their property, and the Senate, alike from duty, honour, and inclination, will always be occupied in promoting and ensuring this security to the greatest possible extent.

Induced by the reasons I have mentioned, and by many others which will not escape your penetration and sagacity, I have drawn up a project of law which I now humbly offer for your consideration. I confide not in my own talents, but in the good cause which I advocate.

Project of Law.

The General Legislative Assembly decrees.

Article 1. The importation of slaves and of free blacks is prohibited in the territory of Brazil.

Art. 2. This prohibition shall not extend, Sec. 1. To slaves employed† on board vessels belonging to any nation whatever, when the identity of the individuals shall have been verified by the exhibition of the passport, the list of the crew (Matricula), and other papers appertaining to each vessel.

Sec. 2. Slaves who pass from one province of the empire to another, having run away, or gone with their master's consent, provided that such circumstances are proved by the attestations of the Police or local authorities.

Art. 3. Brazilian vessels met with in any port, or foreign vessels met with in the ports, bays, or

* Correctores.

† Matriculados.

roadsteads of Brazil, having on board slaves or free blacks not excepted in Art. 2, shall be arrested and considered as importers of slaves. Those vessels in which are found articles indicative of their being destined for the slave trade, independent of all other proofs, shall likewise be detained, and considered as having already imported, or as having attempted to import, slaves into Brazil.

Art. 4. The articles to be considered as indicative of a vessel's being intended for the Slave Trade are the following:—

(In all nine articles similar to those referred to in the Portuguese Decree of 10th December, 1836.)

Art. 5. Are to be considered as *principals** in the crime of importation, the Captain or Master, and the Pilot or Mate of the vessel, the Supercargo in the enterprise, those persons who assist at the disembarkation of slaves or of free blacks on the Brazilian territory, or aid in any thing towards concealing them at sea, or in secreting them by any other means from the knowledge of, or from apprehension by, the public authorities.

Art. 6. The principals in this crime shall suffer the penalty of from three to nine years of transportation to the island of S. Fernando; and shall moreover be condemned and compelled severally to pay, *in solidum*, the expenses of the re-exportation of the slaves or free blacks to the ports whence they came, these expenses being determined by arbiters.

Senate House, 30th June, 1837.

Art. 7. Vessels which have already imported, or which are destined to import, slaves, shall be confiscated with all their equipments and cargo found on board. All the boats employed in the disembarkation, the concealment, or the removal of slaves or free blacks, which are seized on this service, shall likewise be confiscated.

Art. 8. The proceeds of the cargo, vessels, and boats which are seized, shall be applied to the benefit of the captors, with the deduction of a fourth part for the informers, should there be any, as also for the expenses the seizure might occasion. The vessels and boats, immediately after being condemned, shall be broken up, and sold in separate lots.

Art. 9. All the slaves, or free blacks, which may be seized, whether it be on the high seas, or on the coast, before being disembarked, shall be re-exported at the expense of Government, to the port whence they came, or to any other port of Africa which may appear more convenient to Government; and until such time as they shall be re-exported, they shall be employed in labour, under the superintendence of Government, as is now practised.

Art. 10. No passports shall be given to merchant vessels for any port on the coast of Africa, unless the Owner, Captain, or Master, shall have first signed a bond, not to receive on board any slave whatever, the owner giving security for a sum equal to the value of the vessel and its cargo, which security shall be redeemable if, within 18 months, there have been no seizure of the vessel for which security had been given, nor any information lodged against her.

Art. 11. National or foreign vessels which may be despatched in the ports of Brazil for the ports of Africa, as also those of which suspicions are entertained, or against which information has been lodged, that they are unprovided with a clearance for such destination, shall be visited the day after their departure by one of their chief officers of the Custom-house, who not finding on board anything to excite suspicion of their being intended for the Slave Trade, shall allow them to depart freely.

If, however, any articles indicative of the vessel's destination to the Slave Trade, be found, such articles shall be seized as contraband, and the Owners, Captain, or Master, Mate, and Shippers, shall incur the penalties of smuggling.

Art. 12. After the search nothing can be received on board the ship.

Art. 13. The *Inferior Judges*† shall be obliged *ex officio*, to give sentence in the first instance, power of appeal to the *Superior*‡ Court being granted for all crimes mentioned in the present law.

Art. 14. No action can be brought against those individuals who have bought slaves, after their disembarkation; and the law of 7th November, 1831, and all others contrary to the present are repealed.

No. 80.

Hamilton Hamilton Esq. to Viscount Palmerston.—(Received August 22.)

MY LORD,

Rio de Janeiro, 3rd July, 1837.

I HAVE the honour to forward herewith Reports of the Slave Trade entries in this harbour and its vicinity during the months of May and June.

The number of slaves imported appears considerably less according to these returns, especially in that of June; but we must not, I fear, deduce therefrom any general diminution of the trade.

Under the provisions of the new decree, transmitted home in my Despatch of the 26th ultimo, the Government has considered itself justified in detaining for trial the Brig "*Esperança*," reported in the June return; but I believe, it is the civil tribunals of the country, and not the Mixed Court, which will have cognizance of the case.

I have, &c.

(Signed)

HAMILTON HAMILTON.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

* Autores.

† Juizes de directo.

‡ Relação.

First Enclosure in No. 80.

Particulars respecting sundry vessels engaged in the Slave Trade, under the Portuguese Flag, that have arrived at this Port of Rio de Janeiro, in ballast or otherwise, during the month of May, 1837, after landing their cargoes of slaves on the Coast of Brazil.

Rio de Janeiro, June 1, 1837.

- No. 1. Brig-schooner "*Esperança*," from Angola: landed 304 slaves at Marica.
 No. 2. Brig; "*Dous Amigos*" from Angola, landed 459 slaves at Machad. She has made two voyages since she left this port: on the first voyage she landed 590 slaves at Campos.
 No. 3. Brig, "*General Cabreira*," from Angola: she was several days off this harbour: and discharged into canoes 337 slaves, which were landed at the house of Lieutenant-Colonel Vasco, near to Fort St. Jaao, inside the harbour.
 No. 4. Schooner, "*Felicidade*," from Angola, landed 340 slaves, near to Taipu.
 No. 5. Brig, "*Ontario*," from Angola, landed 337 slaves at the island of St. Sebastiao,
 No. 6. Brig, "*Joven Africana*," from Angola; landed 312 slaves at Ponta Negra.
 No. 7. "*Venus*," from Mozambique: she has made two voyages. On the first she landed 720 slaves at Campos, and now 664 slaves at Machad.
 Total number of slaves imported by seven vessels as above, during the month of May last,—2753.

Second Enclosure in No. 80.

Particulars respecting the vessels engaged in the Slave Trade, under the Portuguese Flag, that have arrived at this Port of Rio de Janeiro, in Ballast or otherwise, during the month of June, 1837, after landing their Cargoes of Slaves on the Coast of Brazil.

Rio de Janeiro, July 1, 1837.

- No. 1. Brig, "*Experiencia*," from Benguela: landed 487 slaves at Campos.
 No. 2. Brig, "*St. Domingos Eveas*," from Angola: she has made two voyages without returning to this port. On the first she landed 419 slaves at St. Sebastiao and on the present 473 slaves at Ponta Negra.
 Total number of slaves imported in two vessels, as above, during the month of June last, was 960.

No. 81.

Viscount Palmerston to Hamilton Hamilton, Esq.

SIR,

Foreign Office, 6th September, 1837.

I HAVE received your Despatches, marked Slave Trade, of the 3rd July last, inclusive.

With reference to your Despatch of the 24th June, I have to inform you, that I approve of the note which you addressed to M. de Montezuma on the 4th of that month, urging him to obtain the ratification of the additional Articles to the Convention on Slave Trade, which were signed in July, 1835.

The representations, hitherto made by yourself and your predecessor upon this subject, have always been met by assurances on the part of the Brazilian Minister, that the Government is willing, and even desirous, to procure the sanction of the Chambers to the ratification of the Articles in question; but two Sessions have now elapsed, since they were signed; and in spite of these assurances, the question has never been brought forward by the Government, till the season was so far advanced, as to leave no chance of its being discussed and decided, upon before the rising of the Chambers.

I am not without hopes, that your note to M. de Montezuma abovementioned, and the representations, which you have privately made to the Regent, may have prevented a repetition of this dilatory mode of proceeding in the present Session; but, should this not be the case, I have to instruct you to address a formal remonstrance upon the subject to the Brazilian Government, calling upon it to submit the Articles to the Chambers without further delay; and pointing out the discredit; which will unavoidably attach to the Brazilian Cabinet, should it persist in a course, which would wear the appearance of a settled purpose to evade the fulfilment of engagements entered into between the two countries.

I have, &c.

(Signed)

PALMERSTON.

*Hamilton Hamilton, Esq.,
 &c. &c. &c.*

No. 82.

Mr. Hamilton Hamilton to Viscount Palmerston—(Received October 6th.)

MY LORD,

Rio de Janeiro, August 15th 1837.

I have the honour to forward to your Lordship the answer, returned by the Minister of Foreign Relations to communications of mine on the subject of Slave Trading, which was sent home in my despatch of the 24th of June last.

The contents of the note are a little too general to be very satisfactory; still it bears testimony to the honest intentions, by which, I really think, the Minister is animated; and this, in the absence of matter more tangible and precise, is something.

All the representations, verbal and written, which I have addressed to the Government, on the interminable delays experienced in the ratification of the Additional Articles for the Suppression of the Traffic, which were negotiated by my predecessor, have failed of effect, although Senhor de Montezuma gives me every assurance, that the question will be brought forward the present Session. But Treaties of any description with European powers have to combat at present a host of prejudices; all are regarded with suspicion, as designed only to overreach; so that simple as are the objects aimed at in the Additional Articles before-mentioned, I cannot, in the face of such feelings, but hold to the belief I have before expressed, that these articles will not obtain the approval of the Legislature.

The *projet* brought forward in the Senate by the Marquis of Barbacena, for repealing the Law of November, 7th 1831, and substituting another, regarding which *projet* I addressed your Lordship in my despatch of the 3rd ultimo, has just now, after undergoing considerable modifications—I should not be justified, I fear, in styling them improvements—passed to the Lower Chamber. As it is probable, however, that other alterations will be worked in it there—if, indeed, it do not fall altogether, or be deferred for consideration till the next Session.—I shall not, on this occasion, trespass on your Lordship's leisure with a sketch of these modifications. I will observe merely, that, although comprehending some good provisions, the *Projet* appears to be radically vicious and defective, and that affording, as it will most assuredly do, additional and greater facilities and securities to the slave-markets within the empire, it must have the deplorable effect of offering, notwithstanding that the transport of slaves by sea be rendered in a degree more difficult, an augmented premium for the introduction of these unhappy beings.

This commerce is so deeply rooted in the country by the influence of individual interests, and by habit, that I fear we may not look for any effectual remedy, either at the present moment or hereafter, from within. From abroad alone is it that the cure can come, and there even only from England. She must sweep the seas on the coasts both of Africa and of Brazil; and employing some half dozen of armed schooners, of small draught of water, for that purpose, here, and inflicting summary punishment on some few masters of slavers, as guilty of piracy, her benevolent enterprise will be successful. Without some strong and sweeping measures of this kind, our success must prove uncertain and remote.

I have, &c.

(Signed)

HAMILTON HAMILTON.

The Right Hon. Viscount Palmerston; G.C.B.

&c.

&c.

&c.

Enclosure in No. 82.

The Undersigned &c. has the honour to acknowledge the receipt of the two notes, dated the 6th of June and 13th of July, of the present year, addressed to him by Mr. Hamilton Hamilton, &c. &c. &c. in which he transmits lists of the vessels which have disembarked Africans on the coast of the Province of Rio de Janeiro, and in other parts of Brazil, and calls the attention of the undersigned to the correspondence which has passed between this office and the British Legation, on the inhuman traffic in slaves, with the hope that the Imperial Government will employ all its influence with the Legislative Chambers, in order that they should pass during this Session their approval of the additional article which was agreed to in July 1835, by Senhor Manuel Alvas Banco, and Mr. H. Fox, and that they should promulgate a law calculated to prevent the sale of Brazilian vessels to Portuguese subjects.

The Undersigned was gratified to observe that Mr. Hamilton does him the justice, which is his due, in feeling assured that the Undersigned will, for his part, employ every means to repress the detestable traffic in Africans, and indeed he has already taken vigorous measures for the regulation of the visits to be made to vessels entering this port from the coast of Africa, and from which very advantageous results have followed.

On reading the correspondence to which Mr. Hamilton alludes, the Undersigned has had great satisfaction in perceiving that his predecessors have used their best endeavours in order to suppress the horrid traffic in human flesh, both by issuing the most positive instructions to the Presidents of the provinces of Brazil, and also by directing her Chargé d'Affaires at Lisbon to represent to the Portuguese Government how expedient it was to adopt measures, having for their object the preven-

tion of the scandalous abuse of the Portuguese flag, by its subjects making use of it in a traffic so repugnant to the laws of humanity. These representations have not been fruitless; since the Portuguese Government has published a repressive law to this effect, which cannot fail to have the most salutary result.

Besides this, the Brazilian Government has not omitted to inculcate on the Legislative Chambers the necessity of legislative provisions for the complete suppression of the contraband trade in Africans, as appears from the different relations presented by the predecessors of the Undersigned, and particularly from that of the present year, in which will be found referred to every point insisted on now by Mr. Hamilton in his note of the 6th of June.

The Undersigned, &c., &c., &c.

FRANCISCO JE. ACAYABA DE MONTEZUMA.

(Signed)

To Hamilton Hamilton, Esq.

&c. &c. &c.

No. 83.

Hamilton Hamilton, Esq., to Viscount Palmerston.—(Received October 6th.)

MY LORD,

Rio de Janeiro, August 15th, 1837.

On the 24th July the Imperial Government addressed to me a notification, that, in conformity with the provisions of a Law passed in October, last year, a duty of 15 per cent. would in future be levied on all British merchandise, suitable for the African market, which might arrive *in transitu* in any of the ports of Brazil, by whatever circumstances that arrival might be occasioned; the said duty being intended to operate as a restraint to any indirect protection of the traffic in slaves.

This Act of the Executive appearing to me to be directly opposed to the spirit, if not to the letter of the Conventions between the two countries, and to the usages which have grown out of those Conventions, I considered it my duty to protest formally against the duty, notwithstanding that the discouragement of Slave-Trading is the overt motive of its application.

I have the honour to submit to your Lordship a copy of this correspondence.

The pernicious effects, on British commercial interests, of this duty, should its exaction be persisted in, must be felt very extensively, while its assumed utility in discountenancing the contraband commerce which it is ostensibly directed against, would be found, I conceive, very illusory. The letter from the Minister of Finance, and the opinion of the Law Officers of the Crown, &c., referred to in Enclosure No. 2, were transmitted to the Foreign Office in a Dispatch from Her Majesty's Commissioners in this capital, dated September 30th, 1836.

I have, &c.

(Signed)

HAMILTON HAMILTON.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 83.

(Translation.)

Senhor Francisco Je. Acayaba de Montezuma to Mr. Hamilton Hamilton.

Rio de Janeiro, July 24th, 1837.

It being determined by Art. 10, Sect. 1, of the Law of the 22nd October, 1836, that the duties on re-exportation and transhipment of goods, destined for the coast of Africa, should be raised to 15 per cent. over and above the 1½ per cent. for fees (*expediente*), it is the duty of the Undersigned, &c., &c., &c., to communicate to Mr. Hamilton Hamilton, &c., &c., &c., that henceforward English goods, of the description usually required for the consumption of the coast of Africa, will be admitted *in transitu* (trazidas por escala), in any of the ports of the Empire, whatsoever may be the plea on which the vessel may touch there, without payment of the dues referred to, in order to avoid the indirect protection which otherwise would result therefrom, in favour of the horrid traffic in human flesh.

(Signed)

FRANCISCO JE. ACAYABA DE MONTEZUMA.

To Hamilton Hamilton, Esq.

&c. &c. &c.

Second Enclosure No. 83.

Hamilton Hamilton, Esq., to Senhor Francisco Je Acayaba de Montezuma.

Rio de Janeiro, August 4th, 1837.

THE Undersigned, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has had the honour to receive the note of the Minister Secretary of State for Foreign Affairs, dated 24th ultimo, by which His Excellency notifies that, in conformity with the Law of October 22nd, 1836,

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Art. 10, § 1, no English goods of the description usually required for the African market will henceforward be admitted *in transitu* in any of the ports of the empire of the Brazil, whatsoever may be the place on which the vessel may touch there, without payment of 15 per cent., as duty on re-exportation and transshipment, over and above the duty of 1½ per cent. for *expediente*; the said regulation being intended to obviate the indirect protection which otherwise might result therefrom to the horrible traffic in human flesh.

To the important questions involved in this decision of the Imperial Government, the Undersigned has given mature consideration; and he has the honour to transmit to Senhor Francisco Je Acayaba de Montezuma the answer which that consideration has suggested.

The accuracy of the interpretation given by the Imperial Government to the first paragraph of the tenth article of the Law of October 22nd, 1836, appears to the Undersigned susceptible of great doubt.

Into any examination, however, of this point he refrains from entering here, as well as of the very remarkable contradiction which the case presents relatively to the ideas recently entertained by the Government on this subject, as they are exhibited in a letter addressed by the Minister of Finance to the Chambers of Deputies, on the 15th July, 1836, and in the opinions of the law officer of the Crown, the Comptroller and the Inspector General of the Treasury, as given on the 7th December, 1835, and the 23rd January, 1836. He confines himself to stating his persuasion that by no reference to the said law can the legality of the import of 15 per cent., notified by His Excellency in his note of July 24th, be either supported or justified.

The imposition of such a duty calls for appeal and remonstrance on the part of the Undersigned, for reasons widely different and much more important. It calls for them, as being a measure highly injurious to the interests of British commerce in general; as being tantamount to a duty of consumption on goods not introduced into the country, not even disembarked there, but which may enter its harbours simply and solely *in transitu*; as being a bar to the entry of British vessels into Brazilian ports, whether it be for the purpose of obtaining supplies, or repairs, or commercial information, on the same terms of amicable reception and of exemption from duties as are enjoyed by the vessels of Brazil, when entering, for similar objects, the harbours of Great Britain; as being, in a word, opposed to the *spirit* of the compacts subsisting between the two countries; and to that reciprocity and perfect freedom of commerce and navigation which are stipulated for therein.

For the reasons here alleged, and for others, the Undersigned considers it to be his duty to protest, as he does here protest, against the imposition of the duties in question.

The anxious desire of Great Britain to facilitate both for herself and her allies, the adoption of every means which may seem to be calculated to put an end to the contraband commerce in slaves, requires no present illustration. The unwearied labour, the zeal, the sincerity with which she has so long striven in this arduous field, are universally known and acknowledged; but her government can never admit that a wish on the part of the Imperial Government to obviate any indirect protection of this traffic, is a valid or adequate motive for imposing a duty of the description announced by His Excellency on British merchandise, not consigned or destined to a Brazilian market. If the Imperial Government be really animated by a desire to suppress this disgraceful and most unnatural commerce, it has constantly under its view a very wide field for its philanthropic exertions, where day by day the evil is taking deeper root, and where its intervention, if sincerely employed, cannot fail to be followed by the most advantageous and salutary results, but by any such measure as the one which has here been discussed, were its application either legitimate or admissible, the undersigned is firmly of opinion, that no advance whatever in the way of prevention or of discouragement, would be effected.

The Undersigned, &c. &c.

(Signed)

HAMILTON HAMILTON.

His Excellency Senhor Francisco Je Acayaba de Montezuma.

&c.

&c.

&c.

No. 84.

Mr. Hamilton Hamilton to Viscount Palmerston.—(Received October 6.)

MY LORD,

Rio de Janeiro, 15th August, 1837.

I HAVE the honour to enclose to your Lordship Copies of several Communications received from Her Majesty's Consuls at Maranham and Pernambuco, relative to the Slave Trade, together with a Return of the vessels which arrived from the Coast of Africa in this harbour in the month of July, and of the cargoes which they had previously landed in the vicinity.

Since the proposal for a repeal of the Law of November 7th, 1831, was brought forward in the Senate, the importers of slaves have daily become more barefaced in their proceedings. On several nights of late, slaves have been debarked at one of the most public landing places of this city, the debarkation being attended by a number of individuals carrying fire-arms, and the slaves being conducted through some of the most public streets.

I have, &c.

(Signed)

HAMILTON HAMILTON.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 84.

Mr. Consul Moon to Mr. Hamilton Hamilton.

(Copy.)

Sir,

Consul's Office, Maranham, 5th June, 1837.

Since I had the honour of addressing you on the 23d ultimo, I have discovered that the schooner "*Gratidao*," to which I then referred, though undoubtedly belonging to a house here, had for her ostensible Owners parties in Lisbon, and it appears it was the timidity of these parties that prevented her proceeding from Lisbon to the Coast of Africa last voyage, as her real Owners had intended her to do.

To-day this same schooner has again been cleared out for Lisbon under Portuguese colours, but her name is now altered to the "*Tres Amigos*," and her ostensible Owner to Manoel Antonio do Couto, a young man, Clerk to one of her real Owners, Antonio Gonçalves Machado, of this city. These and other circumstances connected with her lead me to suspect strongly that she is intended to proceed from Lisbon to the Coast of Africa, and there load slaves for this Coast.

I have therefore thought it my duty to acquaint you with these circumstances, and to give you a description of the vessel so that you may give such information as you may think necessary to His Majesty's cruizers on the Coast. The "*Tres Amigos*" is a low, fine-looking American-built schooner of about 200 tons burthen, under hermaphrodite rig, and carries a main-topsail. She is pierced for 5 guns on a side, and carries arms, but I do not know to what extent, as she has only 2 short caronades on deck. She has a billet-head, a plain stern, flush-deck, and is painted with 5 ports on a side. She is commanded by a Portuguese of the name of Ragnundo Antonio Lima, and is intended to sail to-morrow for Lisbon.

To Hamilton Hamilton, Esq.
Esq. Esq. Esq.

I have, &c.
(Signed) JOHN MOON,
His Britannic Majesty's Consul.

Second Enclosure in No. 84.

Mr. Consul Moon to Mr. Hamilton Hamilton.

Sir,

Consul's Office, Maranham, 23d June, 1837.

I HAD last the honour of addressing you on the 5th instant on the subject of the schooner "*Tres Amigos*," and Duplicate of my Letter of that date I send herewith. I have now to inform you that the brig "*Dom Pedro*," Captain Antonio Silveira Mariel, junior, under Portuguese colours, and belonging to the same parties as the "*Tres Amigos*," cleared out yesterday for the Cape Verde Islands, and is intended to sail to-morrow. I enclose a Copy of her manifest, and I may mention that a considerable part of the dry goods she has on board are "*Panos da Costa*," recently received here from Rio de Janeiro.

I think very probable that this vessel is going to act in concert with the "*Tres Amigos*," as I understand she has done on former occasions, and I have therefore again thought it my duty to give you a description of her. She is rather a clumsy, heavy-looking brig of about 140 tons burthen, with a small round house on a flush deck, billet head, plain stern, and painted with broad plain white streak.

I have, &c.
(Signed) JOHN MOON.
His Britannic Majesty's Consul.

Hamilton Hamilton, Esq.
Esq. Esq.

COPY of the manifest of the cargo laden at Maranham, on board of the Portuguese brig "*Dom Pedro*," of about 140 tons burthen, Antonio Silveira Mariel, junior, Master, cleared out for the Cape de Verde Islands,

Shippers.	Packages.	Contents.
Antonio Pinto Ferreira Viana and Co.	154 Bales	Cotton goods.
	2 Cases	
	1 Bale	
	1 Ditto	Woollen caps.
	1 Ditto	Red woollen cloth.
	1 Ditto	Red baize.
Antonio Gonçalves Machado	600 Kegs	Gunpowder, 10,000 lbs.
	20 Cases	400 guns.
	2 Pipes	Caxaca.
	9 Pipes	Spanish brandy.
Antonio Martins da Silva and Co.	32 Bags	Rice.
	63 Ditto	Ditto.

Third Enclosure in No. 84.

Mr. Consul Watts to Mr. Hamilton Hamilton.

Sir,

British Consulate, Pernambuco, 9th May, 1837.

I HAVE the honour to acknowledge the receipt of your circular Despatch of the 18th of April last, requesting me to furnish you henceforth, at the expiration of every month, with a return of the vessels which may have arrived during that period from the Coast of Africa in any of the ports situated within this Consular district, reporting with as much precision as possible, what ports they proceeded from, what the number of negroes embarked on board them, what number of negroes disembarked, and what the place of disembarkation, together with any other circumstances connected with the said speculations, and with the trade in general, that may appear important or interesting.

Although scarcely any fact can be more notorious than the flagrant and the unprecedented extension of the traffic in negroes from the Coast of Africa all along the shores of Brazil, and that, at this port, it is carried on in the most undisguised and glaring manner, in defiance of whatever provisions

the Government of the country may seem to establish in the view to prohibit the prosecution of that inhuman and impolitic trade, or to impede or check its progressive extension, it is an attempt of no common difficulty to collect substantial and authentic information on the subject, to afford your Excellency that irrefragable testimony required to keep His Majesty's Government regularly informed of the extent to which is carried on the importation into this country of negroes from the Coast of Africa.

The sources of information derivable from the public Registers of the Custom-house, and from private channels, are equally fallacious and unsatisfactory.

The first can only supply the skeleton data of the clearance of vessels from this port from the Coast of Africa, and the arrival of vessels hither from that coast; in both which cases all evidence of such vessels being actually engaged in the Slave Trade is kept, or masked from the public view, although their equipment outward for that purpose cannot be questioned; and the fact notorious that every returning vessel has previously disembarked the negroes on board, at some point of the coast to the northward or southward of this port, previous to its return hither.

It is well known that a Company is established here for the importation of slaves into this port from the Coast of Africa. It is the universal complaint of the British merchants at this place that they experience the growing difficulty of obtaining payments in money from the shop-keepers for goods sold to them on credit, because these dealers declare they cannot receive remittances from their customers in the interior, since the resources of the latter are deeply engaged in the purchase of slaves for general purposes of husbandry.

The frequent disembarkation of negroes imported from the Coast of Africa in the vicinities of this port is the common public talk, and the *quidnunc* of the day.

But notorious as are these facts, the dread of the assassin's knife, or bullet, even in the open day, and in the public gaze, deters their denouncement in any tangible shape, to supply evidence for detection and legal prosecution, yet it may be questioned whether the Government of the country be not only indifferent and impotent, supine and connivent, but absolutely disposed covertly to encourage the importation of negroes into the Brazils from the Coast of Africa, under the plea of necessity, to promote the increase of labouring hands for the cultivation of the soil, heedless of the destructive consequences of so diffusive an intermixture of African blood into the general population.

Yet even were the Government sincerely disposed to put down and exterminate the importation into Brazil of negroes from the African Coast; its physical powers to accomplish that purpose may be much doubted, from the gross venality of its subordinate authorities, the deplorable deficiency of all moral sense, even in the very tribunals of Justice, the increasing demand for labour, the enormous profits derivable from the Slave Trade, and the dark and artful combinations of the dealers in slaves, their agents, and the proprietors of land, to mask and facilitate the disembarkation of African negroes on these shores.

The following information is derived from a respectable Brazilian engaged in the Slave Trade on the Coast of Africa in former times, as it was pursued without prohibitory enactments, when the sale of negro in this country scarcely exceeded in price 150 milreis, and the purchase of one on the African Coast was computed usually at 12 milreis; a duty of import was then levied by the Government of 12 milreis a head. At this present time the sale of a negro generally produces 400 milreis, and the price of purchase on the African Coast is estimated at 70 milreis. Although the casualties of life be sometimes great on the voyage, yet the enormous gain which ultimately results from the prosecution of the Slave Trade is unhappily too great a temptation for human cupidity to resist, unsustained by the moral sense, under circumstances which almost ensure impunity.

The complicated machinery put in use to mask and facilitate the disembarkation of African negroes on this coast is of the most artful and dark character, by the confederacy of the dealers, their agents, and the land proprietors. "Jangadas" are engaged in their service, to watch the expected return of a slave-vessel from Africa, furnished with signals to invite approach or announce danger. These hover in sight until the favourable opportunities for disembarkation is perceived, when it rapidly takes place, and the negroes are immediately disposed of, or taken to some place of security.

Whatever arrangements may be in the power of his Majesty's Government to invite the Government of this country sincerely and zealously to enter into, for the total suppression of the Slave Trade between the Brazil and African Coast, by mutual co-operation, may I be permitted to suggest to your Excellency the recommending of the expediency of inserting a clause to render obligatory such mutual co-operation, that cruisers whose draught of water may permit their navigation as close as possible to the shore. And that the Brazilian Government give authority to their subordinate public Officers, to assist with their aid and counsel the Commanders of such cruisers in the detection and prompt apprehension of the slave dealers, and their vessels, and the seizure of the negroes imported by them for ultimate adjudication at the capital.

I have the honour, &c.
(Signed) EDWARD WATTS,
Her Britannic Majesty's Consul.

Fourth Enclosure in No. 84.

Mr. Consul Watts to Mr. H. Hamilton.

SIR,

British Consulate, Pernambuco, July 17th 1837.

WITH reference to the communication which I had the honor to address to your Excellency in reply to your Circular Despatch of the 18th April, I have to mention the Official Entry made at the Custom-house of this port, on the arrival of the Portuguese brig "*Aleide*" on the 10th instant, from the Coast of Africa, to the following effect: "O Brigue Portuguez "*Aleide*," vindo de Angola entrado em 10 do corrente, Capetao Antonio de Souza, consignado a Angelo Francisco Carneiro,

"Manifeston o seguinte.

"124 Pipas de Agua Salgada,

"50 Esteiras,

"4 Coleolens 2 Saccos com Mendobi,

"2 Papagnios."

Now it is notorious that this vessel had previously landed 460 slaves in the neighbourhood of this port, and that her Consignee is a well known dealer in slaves.

Moreover, that 2 canoes, filled with slaves, part of the above number, crossed the Jangado passage, and actually landed those slaves at this port, with the exception of 2, who were drowned in the surf by the upsetting of one of the canoes.

Information had been given to the Commander of Her Majesty's ship, "Fly," on her arrival at this port, that this vessel (and another slaver) was then hourly expected on her return hither from the African Coast; and Captain Elliott hastened his departure hence, with the intention of cruising in a direction likely to lead him to fall in with her. An apprehension had, indeed, arisen from the report of distant firing at sea, that Captain Elliott had met with the object of his search, and the conclusion was formed that the "*Aleide*" had been captured.

This occurrence is brought to your Excellency's notice, in the view to exemplify the utter uselessness, for any practicable purposes, of the exhibition of monthly statements of the nature required by your Circular Despatch.

It is, moreover, believed by some intelligent merchants here, that the African Slave Trade has utterly ceased to produce those advantages to the dealers in it, which it formerly yielded: from the increased price of slaves on the Coast of Africa; the casualties of life on the passage; the perfidy and bad faith of the intermediate agency; the exorbitant freights; and the heavy expenditure incurred, in order to hull inquiry, and to secure impunity. It is therefore concluded that the evil may progressively be its own cure.

Hamilton Hamilton, Esq.
&c. &c.

I have, &c.
(Signed) EDWARD WATTS,
Her Britannic Majesty's Consul.

Fifth Enclosure in No. 84.

Slave Trade Return for the Month of July.

PARTICULARS respecting the vessels engaged in the Slave Trade under the Portuguese flag, that have arrived at this Port of Rio de Janeiro, in ballast or otherwise, during the month of July, 1837, after landing their cargoes of slaves on the Coast of Brazil.

No. 1. Bark "*Harmanta*." This vessel, since she sailed from this port 18 months ago, has made 2 voyages to the Coast of Africa. On the first voyage she landed 673 slaves near to the Port of Santos, and on the second 614 slaves at the Port of Paranagua, where she took on board a cargo of produce for Monte Video, from whence she returned to this port with a cargo of jerk beef, and other articles, &c. &c.

No. 2. Brig "*Flor de Loando*," from Angola, landed 427 slaves at Campos.

No. 3. Smack "*Ribeira Nova*," from Angola, landed 253 slaves at Alto Moirao, a few leagues to the eastward of this port.

No. 4. Brig "*Antenor*," from Angola, has made 2 voyages since she left this port. On the first 519 slaves were landed at Campos, and on the present she landed 638 slaves at Alto Moirao, a few leagues to the eastward of this port.

No. 5. Patacho "*Pekx*," from Ilha do Principe and Cape Lobo, landed 304 slaves at Saint Sebastian's.

No. 6. Schooner "*Josefina*," from Angola, landed 420 slaves in a very sickly state at Campos. During the voyage a great number of the slaves embarked died from the crowded state of the hold, the number shipped being greater than the vessel could well stow.

Total number of slaves imported by 6 vessels as above during the month of July last 2,537.

Rio de Janeiro, 1st August, 1837.

No. 85.

Viscount Palmerston to Mr. Hamilton Hamilton.

SIR,

Foreign Office, 16th October, 1837.

I HAVE received your Despatch marked "Slave Trade," of the 15th of August, 1837, containing a Note, addressed to you by the Brazilian Minister for Foreign Affairs, notifying to you, that a duty of 15 per cent. would in future be levied on goods suitable for the African market, which might arrive *in transitu* in any of the ports of Brazil, by whatever circumstance that arrival might be occasioned; the said duty being intended to operate as an indirect discouragement of the traffic in slaves.

I approve of your having remonstrated against this measure; but, as I learn by a Despatch from Her Majesty's Consul at Rio de Janeiro of the 14th of August last, that a Portuguese vessel, the "*Especulador*," laden with goods of this description, purchased and shipped at Liverpool, had been detained by the Custom-house Authorities at Rio de Janeiro, as liable to the duties in question, but had been subsequently allowed to depart in conformity to the entry of *Franquia*, I am led to conclude, that the Decree is abandoned.

Should you, however, have occasion to make any further representations to the Brazilian Minister upon the subject, you will observe to him, that the Brazilian Government would more effectually further the accomplishment of its wishes for the extinction of the Slave Trade, by ratifying the Additional Articles to the Treaty between this country and Brazil, than by insisting on the execution of a measure,

which is inconsistent with the commercial relations existing between the two countries.

Hamilton Hamilton, Esq.,
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

No. 86.

Mr. Hamilton Hamilton to Viscount Palmerston.—(Received November 16.)

MY LORD.

Rio de Janeiro, 14th September, 1837.

THE Imperial Government having failed to take any further measures towards the ratification of the Additional Articles to the Slave Trade Convention, I addressed to it on the 7th instant the Note which I have the honour to enclose; but as yet, perhaps through the apprehended mutations in the executives, treated of in my other Despatch of this date, or by reason of the report of the Diplomatic Committee of the Chamber of Deputies, to be referred to presently, I have not received an answer. *

In the debates of the 2d instant in this Chamber, on M. de Barbacena's Slave Trade Project, some incidental reference to this matter took place, although not of such importance, as to merit here particular mention.

On the 11th instant, however, a resolution of the Diplomatic Committee was brought up, which, should it be acted on, must have the effect of deferring indefinitely the ratification, or rather must render it dependent in a material degree on the ulterior decisions of Her Majesty's Government.

The resolution states, that since Brazil has not received from Great Britain any indemnification for the captures made on the Coast of Africa, as it conceives illegally, it would be inconsistent for her to concede more extended powers, such as are provided for by the Additional Articles, to ships cruising against the Slave Trade; that with such increase of power there would probably be an increase of abuse; that Brazil ought not to feel indifferent to any measures directed against Slave Trade; and that the Committee would not hesitate to approve of the Additional Articles, provided Brazil should obtain from Great Britain indemnification for past unjust adjudications at Sierra Leone, and security that such abuses should not recur; that the acts of injustice complained of having had their origin probably in circumstances attributable to the unhealthy climate of Sierra Leone, it would be advantageous to remove the seat of this Mixed Court to some port in Brazil, or, doing away with it altogether, to unite its jurisdiction and its avocations with those of the Court sitting in this capital; and that without one or more guarantees of this description, the Committee is of opinion the Additional Articles ought to be sent back to the executive, without the question of their approval being submitted to the deliberation of the Chamber.

Whether this recommendation of the Committee will be attended to, or whether at the advanced stage of the Session the question is likely to come in any shape under discussion, I am unable at this moment to pronounce; but at least, it will be satisfactory to your Lordship to perceive, that, in the abstract, the judgment of the Committee is favourable to the ratification of the Additional Articles.

I transmit a Copy of the resolution of the Committee.

I am, &c.

(Signed)

HAMILTON HAMILTON,

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

First Enclosure in No. 86.

Rio de Janeiro, 7 September, 1837.

THE Undersigned, &c., &c., has had the honour to receive, and has transmitted to his Government, the note of John Francisco Ge Acayaba de Montezuma, dated August 4th, in answer to one from the Undersigned, dated June 6th, relating to the contraband traffic in slaves from the Coast of Africa.

Affording, as it does, general assurances of the desire and the intention of His Imperial Majesty's Government to co operate in every possible manner for the suppression of a commerce tasting so foul a blot on the fair fame of a civilized country, the communication is satisfactory, but, considered in another light, as a reply to the reiterated representations which the Undersigned has been called upon to bring forward, respecting 2 most important arrangements connected therewith, the Undersigned must reluctantly confess that it is inconclusive, and leaving much to be desired.

The arrangements more particularly alluded to by the Undersigned, are the ratification of the

Additional Article to the Slave Trade Abolition Treaty, negotiated by Messrs. Fox and Alves Branco; and the promulgation of a law to prevent the sale of Brazilian vessels to Portuguese subjects.

Regarding these matters of paramount importance towards a more perfect system of suppression, no specific assurance whatever is given. The Note of his Excellency neither announces any intention on the part of the Executive to propose to the Legislative Body, as the Undersigned was justified in expecting, from the tenor of the Note addressed to him on the 13th of September, 1836, by Senor Antonio Paul. Paul. Limpo de Abreo, the prohibitive law suggested by the British Government; nor does it engage to continue the exertion of its influence with the Chambers for the ratification of the Supplementary Articles; and yet it was these topics which the Note of the Undersigned of the 6th of June had more particularly in view, and to which it more especially solicited the attention of his Excellency.

It would be superfluous to repeat on this occasion any arguments in favour of the policy of giving full and immediate effect to the measures here adverted to. They are sufficiently developed in many of the preceding offices which the Undersigned has found it his duty to address to the Brazilian Government. Still, however, there are some considerations, touching the interminable delays experienced in the ratification, which it is incumbent on him to press most urgently on the mind of Senor Montezuma.

The ordinary term of the present Legislative Session passed away, like the preceding Session, without the adoption of any definite means by the Executive to accomplish the engagements contracted by it with Great Britain on this important question; and yet it is the third Session since the negotiations were brought to a conclusion. During this lapse of time His Majesty's Legation has omitted no exertions calculated to attain this object; nor indeed has the Executive been wanting in promises to contribute thereto, to the extent of its powers. But have the endeavours of the Executive been at all commensurate with these promises? The necessity of the Measure was inculcated in the Relatorios laid before the Chamber of Deputies at the commencement of the Session; but had the Executive recourse, subsequently, to any more direct means in order to give effect to the suggestions? It is for his Excellency to answer. The Session, however, has been prolonged; and a further opportunity is thereby afforded which may enable the Executive to arrive at the desired result. But, will the opportunity be taken advantage of? It is for his Excellency to determine.

The Undersigned will permit himself to make only one other remark at present. The Minister of Foreign Affairs must be fully aware that it is not to the Legislative, but exclusively to the Executive Power, that Great Britain can look for the Ratification by Brazil of the Convention in question, and in so far only as the exertions of the Executive to accomplish it shall be cordially and zealously applied can Great Britain be justified in continuing to repose, as she has heretofore done, with so much security and confidence, on the good faith and sincerity of the Brazilian Government.

The Undersigned, &c. &c.

(Signed)

HAMILTON HAMILTON.

His Excellency Senor Francisco G. A. de Montezuma.

&c.

&c.

&c.

Second Enclosure in No. 86.

(Translation)

REPORT of the Committee of Diplomacy of the Chamber of Deputies on the Sierra Leone claims, and on the additional Articles to the Treaty with Great Britain for the suppression of the Slave Trade, which were signed at Rio de Janeiro by Mr. Fox and Senor Alves Branco, on the 27th July, 1835.

Extract from the "Journal de Commercio" of the 12th September, 1837.

Since the Brazilian Government claim from the British Government indemnification for prizes made by the cruisers on the Coast of Africa, in abuse of the powers which had been given to them for that purpose, it appears to the Undersigned that the Government of her Britannic Majesty not having up to this time agreed to make any satisfaction for the same, the Imperial Government would act inconsistently by conceding to these cruisers still more extended powers, such as those provided by the Additional Articles negotiated at this Court on the 27th July, 1835.

The Undersigned are authorised in supposing that the prizes of which the Government of Brazil claims restitution, were illegally captured, and they can come to no other conclusion than that this abuse will increase, if greater extension be given to the instructions addressed to individuals charged with the capture, or the Adjudication of prizes.

Nevertheless, since Brazil ought not to view with indifference the extensive trade in African slaves which continues to be carried on in despite of her laws; in like manner, she ought to avoid diminishing the advantages which would result from the said Additional Articles, as being calculated still further to repress this commerce; and the Committee of Diplomacy would not hesitate to declare its approval of them if the Imperial Government could obtain one or more guarantees that such abuses would be avoided or remedied, and no occasion be given, in future, for further representations.

The Mixed Commission established at Sierra Leone, ought to be composed of an equal number of Brazilian and British Commissaries; but it has, in fact, always consisted of a majority of the latter, and very often there has been no Commissary whatever on the part of Brazil; and through this inequality, due in a great measure to the unhealthiness of the climate there, all, or the greater part of its judgments have been adverse to the claims of Brazilians. The Undersigned are of opinion that the defective justice which gives cause to the present representations must have had its origin here, and they are persuaded, therefore, that it would be advantageous to remove the Commission of Sierra Leone to some Brazilian port, or to dissolve it altogether, transferring its duties to that already existing at this Court.

By this means Brazil would be certain of having constantly complete her due number of Judges in that tribunal; and that, in their decision, neither her own interests nor those of justice would be undervalued.

This, then, might be an assurance, could such an arrangement be come to, but without it, or some other which would put a stop to the unjust sentences against which so many appeals have been made, the Undersigned conceive that the additional Articles ought not to be approved of, and they are therefore of opinion that the said Articles should be sent back to Government accompanied by a Copy of the Report without the Chambers' proceeding to any deliberation on their approval.

(Signed)

ARANJO RIBEIRO.

Chamber of Deputies, 6th September, 1837.

MANOEL MARIA DI AMACAL.

No. 87.

Mr. Hamilton Hamilton to Viscount Palmerston.—(Received November 20.)
 MY LORD, *Rio de Janeiro, October 14, 1837.*

AT the opening of the debates in the Chamber of Deputies, on the first Article of the Marquis de Barbacena's *projet* of Law for suppression of slavery, a member objected to the *projet*, as involving an infraction of the compacts on the subject between Brazil and Great Britain, stipulated in the Convention of 1826; and he moved, that it be referred to the Committee of Diplomacy to report thereon.

The Report of the Committee declared, that the *projet* was not in opposition to the Treaties with Great Britain, and that the discussion of its provisions might be proceeded in.

Senor Amarat, however, one of the Committee, dissented from this opinion, and recorded his vote and his reasons at some length. As the latter are forcible, and such as would induce me to protest against the Bill, should it hereafter assume the form and force of law, I enclose a Copy of the Vote for your Lordship's information, regretting that I am unable, at the late hour at which I receive it, to accompany it with a translation.

I have, &c.

HAMILTON HAMILTON.

(Signed)
The Right Hon. Viscount Palmerston G.C.B.
 &c. &c. &c.

No. 88.

Mr. Hamilton Hamilton to Viscount Palmerston.—(Received November 28.)
 (Extract.) *Rio de Janeiro, 14th October 1837.*

I HAVE the honour to transmit to your Lordship a return of the vessels, which arrived from the Coast of Africa in this harbour during the month of August, and of the cargoes which they had previously landed in the vicinity.

Not more than two vessels, I believe, arrived here during the last-mentioned period, still we are not to infer therefrom any positive diminution of the traffic. The circumstance arises, I apprehend, only from a change in the arrangements and the tactics of the dealers, which is not correctly ascertained.

Enclosure in No. 88.

List of Slave-Traders under the Portuguese Flag for the month of August, 1837.

No. 1.—Schooner "*Jozefina*," from Angola, landed 420 slaves at Campos. There was a great mortality among the slaves, caused by too many being shipped for the tonnage of the vessel.

No. 2.—Brig, "*Relampago*," from S. Thomè, landed 357 slaves at the Island of S. Sebastian.

No. 3.—Brig, "*Tejo*," from Guilimane, landed 419 slaves at Campos. This vessel, after landing her slaves, went to Machað, where she changed her flag from Portuguese to Brazilian, and took in a cargo of produce, with which she arrived here.

No. 4.—Brig "*Eugenio*," from Angola, captured by the Brazilian corvette, "*Regeneração*," after having landed 377 slaves at the Island of Itamaracao.

Total number of slaves imported by 4 vessels during the month of August last, 1,573.

Rio de Janeiro, 1st September, 1837.

No. 89.

Viscount Palmerston to Mr. Hamilton Hamilton.

SIR,

Foreign Office, 30th November, 1837.

I HAVE to acknowledge the receipt of your Despatch, marked "Slave Trade," of the 14th of September last, enclosing a Copy of a Note, which you addressed on the 7th of that month to the Brazilian Minister, together with a Copy of the Report of the Diplomatic Committee, upon the subject of the ratification of the Additional Articles to the Convention for the Suppression of the Slave Trade; and it is with extreme disappointment that I learn, that the Imperial Government has allowed another Session to pass away, without obtaining the ratification of the Articles in question.

I regret also to perceive, that the Committee of Diplomacy state, that they hesitate to recommend, that the Articles should be ratified, because Great Britain has not agreed to make satisfaction for the prizes taken by British cruizers on the Coast of Africa, which the Brazilian Government assert were unjustly condemned at Sierra Leone; and that the Committee, moreover, suggest, that, until the Mixed Commission is removed from Sierra Leone, or some other security is given against the recurrence of what they call unjust adjudications, the Additional Articles ought not to be approved of.

Should this Report be adopted and acted upon by the Brazilian Government, you will state plainly, that the claims, to which it alludes, appear to the British Government to be decidedly unjust, and that it is, therefore, impossible for Great Britain to give any compensation to the Owners of the slave-ships in question; and you will say, that it would be extremely painful to the British Government, if Brazil were to attach an impossible condition to the fulfilment, by Brazil, of an engagement, already taken unconditionally by the Brazilian Executive, and the execution of which is essentially requisite to vindicate the national honour of Brazil from imputations now too generally and too publicly cast upon it.

The notorious prevalence of the Slave Trade under the Brazilian flag, notwithstanding the repeatedly asserted desire of the Brazilian Government to put an end to this traffic, has excited an universal suspicion, that the noble and generous sentiments, expressed on this subject by the Ministers, are not shared by all their fellow-countrymen; and that a portion, small indeed it is to be hoped, of the Brazilian people still clings, with sordid and disgraceful cupidity, to a traffic which dishonours human nature, and which degrades to the lowest depth of debasement those who persist in practising its abominations.

You will add, that the British Government has undertaken the task of putting down this evil, and will not be deterred from so holy an end by any obstacles which, from time to time, may obstruct its endeavours; and Her Majesty's Government sincerely hopes, that no circumstances may ever arise, which should compel it to treat, summarily and by its own authority, as pirates and outlaws, ships pursuing this traffic under the fraudulent shelter of the flag of a friendly power.

I am, &c.

Hamilton Hamilton, Esq.,
&c. &c.

(Signed)

PALMERSTON.

No. 90.

Viscount Palmerston to Mr. Hamilton Hamilton.

SIR,

Foreign Office, December 4, 1837.

I HAVE received your Despatches, marked "Slave Trade," of the 14th of October last. With reference to your Despatch, marked "Slave Trade," of the above date, stating that, in the event of the Draft of a Law for the suppression of the Slave Trade, submitted to the Chamber of Deputies by the Marquis de Barbacena, being adopted by the Legislature, it is your intention to protest against it upon the ground stated in your Despatch; I have to inform you, that I entirely approve of the course intended to be pursued by you in the event above alluded to.

I am, &c.

Hamilton Hamilton, Esq.,
&c. &c.

(Signed)

PALMERSTON.

BRAZIL. (*Consular.*)

No. 91.

Mr. Robilliard to Viscount Palmerston.

MY LORD,

British Consulate, Bahia, 1st January, 1837.

I HAVE the honour to transmit to your Lordship the enclosed Lists A. and B., being an enumeration of such vessels as have cleared from Bahia for the Coast of Africa, and have entered this port from that Coast, within the 6 months ending the 31st December, 1836.

I have, &c.

(Signed)

JOHN H. ROBILLIARD:

The Right Hon. Viscount Palmerston, G.C.B.
 &c. &c. &c.

First Enclosure in 91.

List of Vessels which have cleared out from Bahia for the Coast of Africa, from 1st July to 31st December, 1886.

No.	Date.	Nation.	Rig.	Name of Vessel.	Name of Master.	Cargo as Reported.	Number of Crew.	From whence.	Tonnage.	Remarks.
1	13 August	Portuguese	Schooner-brig	Temeraria	Joaq. Teixeira	Sundries	20	Angola	175	
2	15 "	Brazilian	Brig	Tiberia	Francisco Nunes	Ditto	19	Coast of Africa	256	
3	27 "	Portuguese	"	Emprehendedor	Silvester Fernandes	Tobacco	18	Ditto	241	
4	28 "	"	"	Camoes	Joze Goncalves	Sundries	20	Ditto	198	
5	17 September	Brazilian	"	Gloria	Manoel Rapose	Ditto	13	Ditto	230	
6	5 October	"	"	Alliance	Joze da Conceicao	Cotton and Tobacco	23	Coast of Minas	190	
7	27 "	"	"	Triumpho	Ignacio Manoel	Rum and Tobacco	21	Coast of Africa	225	
8	8 November	"	Schooner-brig	S. Joao Americiano	Joze Martins	Sundries	14	Ditto	138	
9	10 December	"	Polacre	Anibal	Andre Corcino	Tobacco and Rum	20	St. Thomas & Princes Island	170	
10	11 "	"	Brig	Cacaroa	Antonio da Cunha	Sundries	17	Angola	161	
11	12 "	"	Schooner	Julie	Joze Vicente	Ditto	14	St. Thomas & Princes Island	76	
12	14 "	Portuguese	Polacre	Conceicao	Manoel Antonio	Ditto	23	Loanda	117	
13	21 "	Brazilian	Schooner-brig	S. Francis	Joaquim Lopes	Ditto	17	Coast of Africa	101	

Bahia, 1st January, 1887.

(Signed)

JOHN H. ROBILLIARD, Vice-Consul.

Second Enclosure in 91.

List of Vessels which have entered Bahia from the Coast of Africa, from 1st July to 31st December, 1886.

No.	Date.	Nation.	Rig.	Name of Vessel.	Name of Vessel.	Reported Cargo.	From whence.	Number of Days.	Number of Crew.	Tonnage.	Remarks.
1	8 November	Portuguese	Brig	Nova Inveja	Raphael Antonio	Ballast	Havana	62	18	180	
2	18 "	"	Polacco	Conceicao	Joaquim Teixeira	Ditto	Angola	30	20	217	
3	21 "	Brazilian	Brig	Novo Destino	Zacharias d'Assis	Ditto	Coast of Mines	50	17	480	
4	3 December	Portuguese	"	Amelia	Clemente Jose	Ditto	Angola	32	15	180	
5	17 "	Brazilian	"	Emilio	José Teixeira	Wood	Princes Island	31	15	342	
6	18 "	"	Patacho or Schooner	Duarte Felicidade	Francisco Barboze	Oil and Cloths	Ajuda	39	12	159	
7	31 "	Portuguese	"	Vigilante	Joao de Souza	Oil and Wax	Angola	27	15	150	

Bahia, 1st January, 1887.

(Signed)

JOHN H. ROBILLIARD, Vice-Consul.

No. 92.

Mr. Robilliard to Viscount Palmerston.—(Received June 22.)

MY LORD,

British Consulate, Bahia, 26th April, 1837.

I HAVE the honour to acknowledge receipt of your Lordship's Circular on the "Slave Trade," Foreign Office, 27th January, 1837, with the Enclosure therein referred to.

I have, &c.

(Signed)

JOHN H. ROBILLIARD,

*The Right Hon. Viscount Palmerston, G.C.B.**Vice-Consul.*

&c.

&c.

&c.

No. 93.

Mr. Watts to Viscount Palmerston.—(Received June 20.)

MY LORD,

British Consulate, Pernambuco, 5th May, 1837.

I HAVE the honour to acknowledge the receipt yesterday of your Lordship's Circular Despatch of the 27th of January last, marked "Slave Trade," transmitting the Translation of a Decree issued at Lisbon on the 10th December, 1836, for the abolition of the Slave Trade throughout the Portuguese dominions.

This translated Decree is deposited among the Papers relative to the Slave Trade, registered in Consulate.

I take this opportunity to inform your Lordship, that I have just received from His Majesty's Minister at the Court of Rio de Janeiro directions to furnish him with a monthly return of the vessels, which may have arrived during that period from the Coast of Africa at this port, or in any of the ports situate within this Consulate, reporting with great precision, what ports they proceeded from, what the number of negroes embarked on board them, what the number of negroes disembarked, and what the place of disembarkation.

I shall put in use every zealous exertion to collect the most correct intelligence I may be able to obtain on these particulars, from the public registers and from private sources, for the information of His Majesty's Minister at the capital; yet I have but too much reason to apprehend, that these efforts may not be so successful or satisfactory as it is so highly desirable they should be. The supineness, not to say connivance, of the Government of Brazil in general on the subject in reference, the gross venality of subordinate Officers, the increasing demand of hands for the purposes of husbandry, the enormous profits derivable from this inhuman traffic, which is rapidly increasing at this port in the most undisguised manner, combined with the almost insuperable difficulty of procuring authentic information through private channels, *from the dread of the assassin's knife or bullet even in the OPEN day, and in the public gaze,* and the dark and artful combinations of the dealers in slaves, their agents, and the agriculturists, to mask and facilitate the disembarkation of imported slaves at various points to the northward and southward of this port; all these glaring and obstructive facts combine, to render the attainment of authentic data, on which to ground effective official representation on the subject of the unprecedented increase of the Slave Trade all along the Coast of Brazil, an almost insurmountable obstacle.

I have, &c.

(Signed)

EDWARD WATTS,

*His Britannic Majesty's Consul.**The Right Hon. Viscount Palmerston, G.C.B.*

&c.

&c.

&c.

No. 94.

Mr. Moon to Viscount Palmerston.—(Received July 24.)

MY LORD,

Consul's Office, Maranhão, 27th May, 1837.

I HAVE the honour to acknowledge receipt of your Lordship's Circular Despatch, marked "Slave Trade," dated 27th January, 1837, enclosing for my information an Extract from the London Gazette, containing a Translation of a Decree issued at Lisbon on the 10th December, 1836, for the abolition of the Slave Trade throughout the Portuguese dominions, this Despatch reaching me on the 21st May instant by way of Bahia.

It is satisfactory to me to inform your Lordship, that I have not latterly heard of any attempts to introduce new negroes into this Province. In June last a fine schooner called the "*Grortidam*," belonging to parties here formerly suspected of carrying on an illicit traffic in slaves, was despatched to Lisbon; and the general belief was that she was intended to proceed from thence to the Coast of Africa, and load slaves for this Coast. She, however, arrived here last March direct from Lisbon, having, it is supposed, been deterred from prosecuting her voyage to the Coast by the Decree of the Queen of Portugal above referred to.

I have, &c.

(Signed) JOHN MOON,

His Britannic Majesty's Consul.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 95.

Mr. Hesketh to Viscount Palmerston.—(Received July 31.)

MY LORD,

Consul's Office, Rio de Janeiro, 24th May, 1837.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of this Series, dated January 27th, 1837, transmitting a Translation of the Decree issued at Lisbon, on the 10th of December, 1836, for the abolition of the Slave Trade throughout the Portuguese Dominions; a Copy of which Document was laid on the table of the Exchange Rooms, in this city.

I have, &c.

(Signed)

ROBERT HESKETH,

His Britannic Majesty's Consul.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 96.

Mr. Hesketh to Viscount Palmerston.—(Received October 7.)

MY LORD,

Consul's Office, Rio de Janeiro, 4th August, 1837.

IN reference to my Report on the "*Nimrod*," in the Despatch, dated Bahia, April 18th, 1837, I have the honour to make the following observations:—

While describing in that Report the trade of supply to slave dealers, which does exist, I ventured an opinion that commercial competition would enable those illegal dealers to obtain supplies for their inhuman traffic with increased facilities, an opinion which is confirmed by the following late occurrence:

A vessel under Portuguese colours, the "*Especulador*," José Alves de Abreu Guimares, Master, arrived at this port on the 24th ult. from Liverpool, with a cargo which general report states to be especially assorted and adapted for sale on the Coast of Africa, and purchased and shipped by order and for account of a notorious slave-dealer, resident in this city, whom, I am informed, is Owner of several vessels engaged in the inhuman and illegal transport of negroes from Africa.

I believe all these reports, and that the shippers of this cargo, being paid for the same, have no concern or interest whatever in its further destination or employment.

But I infer, that the chief facility sought for in this instance by the slave-dealer, is to reap the advantage of directing the "*Especulador's*" cargo from Rio de Janeiro to particular points on the African Coast, without being subjected to any duty in this port. This plan has been ingeniously devised, but, from the following circumstances, has met with obstacles:

According to the Custom-house regulation, the "*Especulador*" entered in "*Franquia*," a term or form of entry followed by every vessel merely touching at a Brazilian Port, and departing without landing or transshipping any part of the cargo, and thereby exempted from any duty thereon.

The Brazilian Government, however, have issued, subsequently to the arrival of the "*Especulador*," an order that all vessels touching at Brazilian Ports, having on board any merchandize adapted for consumption in Africa, should be liable to an export duty on such merchandize of 16½ per cent., although neither landed nor transhipped.

The object of this recent order is, apparently, to reach the novel case of the "*Especulador*;" but as it is in opposition to the Custom-house regulations, which proceed from Legislative enactments, and opposed to the general interests of commerce, the subject appears at present under consideration.

On the other hand, I understand, that the Custom-house Authorities insist that the cargo of the "*Especulador*," being cleared from Liverpool "to Rio de Janeiro and a market in the Brazilian empire," should be landed and subjected to a duty.

The Owners of the cargo are endeavouring to evade the duties, by asserting that no part of the cargo was intended to be landed at Rio de Janeiro; but their endeavours have not been hitherto successful, and as yet the outward clearance of the "*Especulador*" has not been granted.

I have, &c.

(Signed)

ROBERT HESKETH,
Her Britannic Majesty's Consul.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 97.

Mr. Hesketh to Viscount Palmerston.

MY LORD, *Consul's Office, Rio de Janeiro, 14th August, 1837.*

I HAD the honour to state to your Lordship, under date of the 4th instant, the circumstances under which the Portuguese vessel, "*Especulador*," from Liverpool, was detained by the Custom-house Authorities.

I have now to state to your Lordship, that the Brazilian Government has sent Instructions to the Custom-house not to levy any duty on the cargo of that vessel, but to allow her departing in conformity to the entry of "*Franquia*," which exonerates vessels merely touching at a Brazilian Port from any duty on the cargo.

I have, &c.

(Signed)

ROBERT HESKETH,
Her Britannic Majesty's Consul.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 98.

Mr. Hesketh to Viscount Palmerston.—(Received November 22.)

MY LORD, *Consul's Office, Rio de Janeiro, 28th August, 1837.*

IN reference to the Despatch of this Series, dated 14th instant, I have the honour to acquaint your Lordship, that the Portuguese vessel, "*Especulador*," which arrived from Liverpool, is still detained.

The Custom-house Authorities now require, that a duty of 16½ per cent. on the value of that vessel's cargo, should be deposited, as the manifest from Liverpool declares, that the vessel is bound to Rio de Janeiro and a market in Brazil, against which deposit the Owners of the cargo are now petitioning.

I have, &c.

(Signed)

ROBERT HESKETH,
Her Britannic Majesty's Consul.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 99.

Mr. Hesketh to Viscount Palmerston.—(Received November 15.)

MY LORD, *Consul's Office, Rio de Janeiro, 14th Sept. 1837.*

I HAVE now the honour to announce to your Lordship, that the Custom-house Authorities have finally decided the case of the cargo on board of the Portuguese vessel "*Especulador*."

A re-exportation duty, amounting altogether to 3½ per cent. on the tariff value of the said cargo, has been levied. The vessel is clearing out for Monte Video, and bond is to be given that the cargo will be landed at that port.

Messrs. Durham, Price, and Company, British merchants in this city, who are the consignees of the cargo, have to-day protested at this Consulate against the exaction of the above-stated duty.

I have, &c.
(Signed) ROBERT HESKETH,
Her Britannic Majesty's Consul.

The Right Hon. Viscount Palmerston, G.C.B.
 &c. &c. &c.

No. 100.

Mr. Watts to Viscount Palmerston.—(Received November 15.)

MY LORD, *British Consulate, Pernambuco, 23d Sept. 1837.*

HER Majesty's packet, "Pandora," which arrived at this port on the 11th of this month, brought to me your Lordship's Circular Despatch, marked "Slave Trade," of the 15th of August last, with Copies of Papers, marked A. and B., relating to the Slave Trade, which had been presented, by Her Majesty's Command, to both Houses of Parliament.

I have derived much useful information from these Papers on the important subject to which they relate, and they are deposited among the archives of this Consulate.

I have, &c.
(Signed) EDWARD WATTS,
Her Britannic Majesty's Consul.

The Right Hon. Viscount Palmerston, G.C.B.
 &c. &c. &c.

No. 101.

Mr. Hesketh to Viscount Palmerston.—(Received November 28.)

MY LORD, *Consul's Office, Rio de Janeiro, 11th October, 1837.*

I HAVE the honour to acknowledge the receipt of the Circular, marked "Slave Trade," dated July 15th, 1837, together with a Copy of Papers, marked A. and B., relating to the Slave Trade, and which were on that day presented by Her Majesty's Command, to both Houses of Parliament.

I have, &c.
(Signed) ROBERT HESKETH,
Her Britannic Majesty's Consul.

The Right Hon. Viscount Palmerston, G.C.B.
 &c. &c. &c.

FRANCE.

No. 102.

Earl Granville to Viscount Palmerston.—(Received January 19.)

MY LORD,

Paris, 16th January, 1837.

WITH reference to your Lordship's Despatches of the Slave Trade series of last year, of the 31st of October, and the 27th of December, 1837, relating to the prepared Draft of a Treaty between the five Great Powers, for the entire suppression of the Slave Trade, which had been submitted to the French Government in May last, and which subject your Lordship directed me to bring again to the notice of this Government, I have now the honour to enclose the Copy of a Note, which I have received from the Comté Molé, who, I regret to find, has from unforeseen circumstances been unable as yet to take the orders of His Majesty the King of the French upon the matter.

I have, &c.

(Signed)

GRANVILLE.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 102.

Count Molé to Earl Granville.

M. L'AMBASSADEUR,

Paris, le 15 Janvier, 1837.

J'AI reçu la Note que votre Excellence m'a fait l'honneur de m'adresser, le 2 de ce mois, et par laquelle elle me rappelle les précédentes communications qu'elle m'avait faites par ordre de sa Cour, au sujet de la négociation d'un Traité général sur la repression du trafic des noirs entre les cinq Grandes Puissances.

Des circonstances indépendantes de ma volonté m'ont seules empêché de donner suite jusqu'à présent aux ouvertures que votre Excellence m'avait transmises au nom du Gouvernement de Sa Majesté Britannique, mais je me propose de prendre très prochainement à cet égard les ordres du Roi, et je m'empresserai d'informer votre Excellence des intentions de Sa Majesté.

Agréez, &c.

(Signé)

MOLE.

A Son Excellence Earl Granville,

&c.

&c.

(Translation.)

M. L'AMBASSADEUR,

Paris, 15th January, 1837.

I HAVE received the Note which your Excellency did me the honour to address to me on the 2d of this month, and by which your Excellency reminds me of the preceding communications which you had made to me by order of your Court, on the subject of the negotiations of a General Treaty between the five Great Powers on the Repression of the Slave Trade.

Circumstances, over which I have no control, have alone prevented me from acting upon the overtures which your Excellency had transmitted to me, on the part of the Government of His Britannic Majesty; but I propose, at an early opportunity, to take the King's orders on the subject, and I will hasten to inform your Excellency of the intention of His Majesty.

Accept, &c.

(Signed)

MOLE.

His Excellency Lord Granville, G. C. B.

&c.

&c.

&c.

No. 103.

Earl Granville to Viscount Palmerston.—(Received June 11.)

MY LORD,

Paris, 9th June, 1837.

IN the debate in the Chamber of Deputies on the Budget of the Marine and Colonies, M. Tracy, who has frequently advocated with much zeal the Abolition of Slavery in the French Colonies, took occasion on Tuesday last to address some questions to the Minister of Marine, in regard to the intentions of the Government on that question.

Admiral Rosamel, in reply, stated, that the number of slaves in the different Colonial possessions of France amounted to 271,550, and having observed that, if an indemnity were granted to the proprietors at the same rate as that which was paid by the British Government for that object, the sum required for the emancipation of the slaves would not be less than 271,000,000 of francs, he put it to the Chamber whether it would be disposed to raise so large a sum for the immediate Abolition of Slavery, and declared that he for one would never call upon the Chamber for a vote of so enormous an amount.

He also stated that, according to the information he had received in regard to the Emancipation of the Slaves in the British Colonies, the result of that measure had been far from satisfactory. At a later period of the debate, the President of the Council having entered the Chamber, M. Passy addressed to that Minister the same question which had been put by M. Tracy to his colleague of the Marine Department; I enclose the report in the *Moniteur* of Count Molé's answer; your Lordship will observe that, although the Minister declares that his opinion is on the whole in favour of Emancipation, he avoids giving any pledge that the Government will bring forward a measure for carrying it into effect; his cautious language appeared to meet with very general approbation, and I fear there is little chance of the Government being stimulated by the Chamber of Deputies, or by public opinion in France, to abolish slavery in the French Colonies.

I have, &c.

(Signed)

GRANVILLE.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

DENMARK.

No. 104.

Sir H. W. W. Wynne to Viscount Palmerston.—Received May 26.)

MY LORD,

Copenhagen, 21st May, 1837.

IN a late interview with M. de Kirabbe, his Excellency put into my hands the enclosed Copies of a Correspondence which has taken place between General V. Scholten and the Lieutenant-Governor of the Virgin Islands. Although this Correspondence has already probably been communicated to the Colonial Office, I think it my duty to transmit it to your Lordship, as a gratifying proof of the general good intelligence, existing between the British and Danish Authorities in that quarter, and more particularly of the attention paid by General V. Scholten to suppress the unlawful sale of British Negro Apprentices, a practice which had given cause for complaints.

I have, &c.

(Signed)

H. W. WILLIAM WYNNE.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 104.

*Governor Scholten to Lieutenant-Governor Light.
Government-General of the Danish West India Islands,*

SIR,

St. Croix, 1st May, 1837.

Your Excellency will permit me hereby to offer you my best thanks and sincere acknowledgment of the friendly disposition evinced by your kind acceptance of the invitation which I took the liberty of addressing to you, verbally, through Captain Kieruff, not having then the honour of your personal acquaintance, afforded since by your but too short visit to this Island.

Under the present critical and very often much-implicated relations, it cannot but be highly satisfactory to me to have had that opportunity of personally convincing myself of the sincere feelings entertained by your Excellency for the preservation of the hitherto-existing, and, for both parties, equally advantageous good neighbourship between Tortola and these Islands. I consider it my duty, on this occasion, to express my high sense and sincere acknowledgment of the judicious proceedings and fair principles by which the Honourable President of that Island has hitherto succeeded in establishing for himself so just a claim upon the regard and confidences of this Government, even where the duties of his situation have obliged him to act contrary to what appeared equitable and consistent with the interest of both parties.

The best proof of the above is the fact that few or no negroes have of late absconded from these Islands to Tortola, although it is well known to them that no consideration of the right of property of friendly neighbours, or of the proceedings of this Government towards English subjects in similar cases, can affect their being given up from thence.

Your Excellency will by this time, no doubt, have had an opportunity of ascertaining that such runaways have generally not had any motives of bad treatment for leaving their home, but have been induced to this, partly by the hope of escaping altogether from work, and partly from fear of the laws, on account of more or less serious offences committed against the same, that hardly any respectable negroe has ever been known to attempt such course, and that many runaways have, from free-will, repented and returned home, seems a strong indication of the real state of things. Considering the character and morals, in general, of those who still remain away, I should not count their absence as a loss to these Colonies if they entirely left the neighbourhood and broke all connexions with those they have left behind. The danger to be apprehended from the present runaway system lies, for us, and still more for Tortola itself, in the growing assemblage of idle, demoralized, and unprincipled vagabonds, within a swim of our coast, and upon an Island but thinly populated and sparingly provided with internal means for maintaining the public security and order. With these views and sentiments, I was, as your Excellency may conceive, much surprised and alarmed at learning that the above-mentioned runaways, now in Tortola, had been released from confinement and put in perfect liberty there.

Your Excellency's very short visit, and my sincere wish to make the same as pleasant as circumstances would permit of, made me abstain from all discussion upon that subject, which I feared might interrupt the enjoyment I so anxiously desired to afford you. But, for the safety of these Colonies, and for the undoubted welfare and interest of both parties, I now entreat your Excellency to use all the power and influence at your disposal for securing us against the natural and inevitable consequences of establishing an open and undisguised encouragement, or at least temptation, for the negroes of these Islands to quit their homes, in hopes, either of leading an easier and idle life, or of planning mischief at the same time against their old masters and their apparent new friends. I need not point out to your Excellency the ruinous consequences, in particular for Tortola, of an interrupted intercourse with

St. Thomas's and St. John's; and still this would, in case of events which I sincerely hope never to see realized, be our only protection against the approaching danger. In the fullest reliance upon the just principles and amicable disposition, of which your Excellency's personal acquaintance has given me the highest opinion, I thus leave this important consideration to your Excellency's experienced discernment and decision.

I am happy, in closing this, to inform your Excellency, that the vigilant and zealous exertions of the police of St. Thomas has been able to discover the revolting crime committed by an English subject, Mr. White, from the Island of St. Christopher, in selling as a slave, to a resident of St. Thomas, a free boy, Joseph Burgundy, brought down by him from the said Island in the sloop "Phoenix." After an active and close search the culprit has been apprehended, and I avail myself of the fortunate circumstance of your Excellency's presence in this neighbourhood, to request the communication of your wishes respecting the place and time for surrendering the offender as well as the boy to your hands, along with the legal investigation and proofs respecting the transaction.

As soon as I learn your Excellency's wishes on the subject, I shall be happy to afford you all assistance in my power towards their execution, hoping that your Excellency will feel persuaded of the sincere desire of this Government for the suppression of all real abuses, and for the maintenance of the public order of the lawful rights of every individual under its protection, without regard to their station or origin.

*His Excellency Henry Light, Esq.,
Lieutenant-Governor of Antigua,
&c. &c. &c.*

I have, &c.
(Signed) P. V. SCHOLTEN,
Major-General and Governor-General of the
Danish West India Islands.

Second Enclosure in No. 104.

Lieutenant-Governor Light to Governor Scholten.

SIR,

Virgin Islands, Tortola, 8d March, 1887.

I HAVE had the honour of receiving your Excellency's Despatch of the 1st instant, and beg to assure you that the statements contained therein have already occupied my serious attention. Your Excellency's opinion of my good disposition to preserve the friendly intercourse between the Danish and British West India Islands will, I trust, not be changed. I had the honour of informing your Excellency verbally that the 13 refugees from your Islands had been committed to prison in an informal manner; that on consulting with the Privy Council of this Island on the nature of their confinement, which it was my duty to do, the Chief Justice stated the nature of the informality, and that he could not refuse to give the prisoners their writ of habeas corpus.

It was recommended that as they had been imprisoned by the executive, it would be more judicious that they should be released by the executive, and that afterwards they should be proceeded against according to law; the order was given to that effect, but this was mistaken by the magistrate as an order for a general release on finding security. They are still subject to the force of the Vagrant Act, and will be sent out of the Island by force, if in the course of a few days they are found here, and they will not be permitted to go to any of the Islands of this Government.

I have given directions to the Crown Officer to proceed against them, and you may be assured that the measure adopted will at once check any disposition on the part of slaves from the Danish Islands to land in them, of which Tortola is the chief.

This explanation will, I trust, avert the disagreeable necessity to which your Excellency alludes, of preventing the intercourse between the Danish and British neighbouring Islands.

I have to return your Excellency my acknowledgments for the prompt measures you have adopted, with regard to the sale of the boy, Joseph Burgundy, by a British subject.

This transaction had never been reported to me. I shall have the honour of again communicating with you, when I have fixed on the mode and time of receiving the criminal and the boy from the Danish Authorities.

I shall transmit a Copy of your Excellency's Despatch and my reply to His Britannic Majesty's Government.

*His Excellency General V Scholten.
&c. &c.*

I have, &c.
(Signed) HENRY LIGHT,
Lieutenant-Governor of Antigua.

Third Enclosure in No. 104.

Governor Scholten to Lieutenant-Governor Light.

*Government-General of the District
West India Islands,*

SIR,

St. Croix, 19th March, 1837.

YOUR Excellency's esteemed answer of the 3d instant to my Despatch of 1st instant has been a new proof to this Government of the just principles and energetic character, which the honour of your personal acquaintance had afforded me an opportunity of knowing and appreciating.

I sincerely trust that the measures preparing, with regard to the foreign runaway negroes in the Islands under your Excellency's command, may prove successful in conserving and insuring for both parties the advantages of a reciprocated confidence and good understanding.

With this view I shall permit myself to furnish your Excellency with a list of all the runaway negroes from these Islands, now supposed to be in Tortola, or other Islands under your command.

In reference to my last I have the honour to transmit by the present the public Acts and Documents concerning the case of George White, requesting your Excellency, when you shall have made yourself acquainted with its circumstances, to inform me where and when you will be prepared to receive the said G. White, as well as the boy, Joseph Burgundy, whom I shall then cause to be delivered according to your directions.

*His Excellency Henry Light, Esq.
Lieutenant-Governor of Antigua,
&c. &c. &c.*

I have the honour, &c.
(Signed) P. V. SCHOLTEN,
Major-General and Governor-General of the
Danish West India Islands.

Fourth Enclosure in No. 104.

Lieutenant-Governor Light to Governor Scholten.

Sir,

Virgin Islands, Tortola, 14th March, 1837.

I HAD the honour of receiving your Excellency's Communication of the 9th instant on Sunday evening, too late to be able to reply to it immediately. On showing the Documents connected with the sale of the apprentice Burgundy to the Crown Officer, Mr. Lloyd, to obtain his opinion as to the sufficiency of the evidence to convict the criminal, he recommended that the witnesses to the Bill of Sale should be sworn to the hand-writing, and a Certificate by a notary-public attached to that effect on the Bill of Sale, which would then be taken as evidence in the Criminal Court; otherwise great delay would be occasioned the condemnation. I have, therefore, taken the liberty of returning that part of the evidence to which the Bill of Sale is attached, and request your Excellency will have the goodness to order the addition required to be made.

Being without any police force, or means of securing the prisoner White, and his passage to St. Christopher's, where he must be tried, I know not yet how to reply to that part of your Excellency's Despatch touching his delivery. I cannot possibly leave this island under a week, and perhaps longer; it will enable me to receive a further communication on the subject from yourself, or to again have the honour of addressing you. The proofs your Excellency has given of the cordial disposition both in yourself and the Danish Authorities towards the British nation, in other instances as well as the present one, demand my most sincere acknowledgments. I shall not fail to mention my sense of this disposition in my Official Despatches.

I have great pleasure in informing your Excellency that a Proclamation will this morning be issued, calling on the proper Authorities to put in force immediately the provisions of the Vagrant Act against refugees of every description in every one of the Virgin Islands. The 13 lately released, with many others, will be again imprisoned, and sent to hard labour. I have no doubt this will put an entire stop to all desertion, and I trust be a satisfactory proof that there was no intention on the part of the British Authorities to countenance such misconduct.

*His Excellency General V. Scholten,
&c. &c. &c.*

I have, &c.
(Signed) HENRY LIGHT,
Lieutenant-Governor Adm. Gov. Leeward Islands.

HANSE TOWNS.

No. 105.

Mr. Canning to Viscount Palmerston.—(Received June 17.)

(Extract.)

Hamburgh, 13th June, 1837.

IN reference to my various Despatches, marked "Slave Trade," and in conformity with the Instructions contained in your Lordship's Despatch, "Slave Trade," dated 29th of November last, I have the honour to acquaint your Lordship, that, in concurrence with the French Chargé d'Affaires, the Baron Lasalle, I have concluded with the Senates of the Hanse Towns a Treaty of Accession to the Conventions between His Majesty and the King of the French for the suppression of the African Slave Trade; and, having signed the same in virtue of His Majesty's full power intrusted to me for that purpose, I have the honour to transmit it herewith for His Majesty's gracious ratification.

Accompanying the Treaty will be found Copies of the full powers of the French and Hanse Town Plenipotentiaries: also Copies of the Laws which have been passed at Bremen, Hamburgh, and Lubeck, to prohibit the traffic in slaves, although the same, with Translations,* have been already transmitted in former Despatches.

* See Enclosures in No. 186, p. 125, of Class B. of 1836.

No. 106.

Viscount Palmerston to Mr. Canning.

SIR,

Foreign Office, 3rd August, 1837.

I HEREWITH transmit to you the Queen's Ratification of the Convention, signed by you at Hamburgh on the 9th of June last, in conjunction with the Baron Lasalle and M. Sievcking, and containing the accession of the Hans Towns to 2 Conventions, concluded between Great Britain and France on the 30th November, 1831, and 22d March, 1833, for the more effectual suppression of the traffic in slaves. You will exchange Her Majesty's Ratification against a similar instrument, ratified by the Senates of the Hans Towns.

I also transmit a Certificate, to be signed by you and the Hanseatic Plenipotentiary on the exchange of the Ratifications, which Certificate you will return to me, at the same time that you forward the Hanseatic Ratification.

I am, &c.

To Henry Canning, Esq.
&c. &c.

(Signed) PALMERSTON.

No. 107.

Mr. Canning to Viscount Palmerston.—(Received September 15.)

MY LORD,

Hamburgh, 12th September, 1837.

I HAVE the honour to acquaint your Lordship, that I have exchanged against a similar Instrument, ratified by the Senates of the Hans Towns, the Queen's Ratification of the Convention, signed at Hamburgh on the 9th of June, containing the Accession of the Hans Towns to Two Conventions concluded between Great Britain and France on the 30th November, 1831, and 22d March, 1833, for the more effectual suppression of the traffic in slaves; and I transmit the Ratifications, signed by the Senates of the Hans Towns, herewith.

I transmit also the Certificate, signed by the Hanseatic Plenipotentiary and myself, on the exchange of the Ratifications, transmitted in your Lordship's Despatch, "Slave Trade," dated 3d August last, for that purpose.

I have, &c.

(Signed)

HENRY CANNING.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

PRUSSIA.

No. 108.

Lord William Russell to Viscount Palmerston.—(Received February 21.)

MY LORD,

Berlin, 11th February, 1837.

I HAVE the honour to send you herewith the Copy of a Note, which I have received from Monsieur Ancillon, and in which his Excellency announces, that he has, in compliance with the wish I had expressed to him, caused the insertion in the Prussian State Gazette of the Decree, transmitted to me in your Lordship's Circular of the 27th ultimo, for the suppression of the Slave Trade throughout the Portuguese dominions.

I have, &c.

(Signed)

WILLIAM RUSSELL.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in 108.

(Translation.)

M. Ancillon to Lord William Russell.

MY LORD,

Berlin, 10th February, 1837.

IN conformity with the wish which you signified to me in your Letter of the 8th of this month, I have not hesitated to cause to be inserted in the State Gazette the Decree concerning the abolition of the Slave Trade in Portugal, which you sent to me for that purpose.

In transmitting to you, my Lord, this Document, and adding thereto the sheet of the said Gazette in which the Decree in question is printed, I have the honour to repeat to you the expression, &c.

(Signed)

ANCILLON.

The Lord William Russell,

&c. &c. &c.

RUSSIA.

No. 109.

Earl of Durham to Viscount Palmerston.—(Received March 14.)

MR LORD,

St. Petersburg, 1st March, 1837.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked "Slave Trade Circular," of January 27, containing the Translation of a Decree, issued at Lisbon in December last, for the abolition of the Slave Trade throughout the Portuguese dominions.

I have, &c.
(Signed) **DURHAM.**

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

SARDINIA.

No. 110.

Sir A. Foster to Viscount Palmerston.—(Received February 3.)

MY LORD,

Turin, 27th January, 1837.

I HAD the honour to receive in due course your Lordship's Despatch, marked "Slave Trade," dated the 15th ultimo, transmitting the Extract of a Letter, which a merchant of London had received from Genoa, stating that a fast sailing vessel was fitting out at that port for the Slave Trade, and directing me to bring the fact to the notice of the Sardinian Government, as well as to request, that positive orders might be given to the Authorities at Genoa for the prevention of such proceedings in the Sardinian ports. Your Lordship, at the same time, transmitted to me, under flying seal, a Despatch, which you had addressed on the same subject to His Majesty's Consul at Genoa, which I immediately forwarded to Mr. Sterling, at the same time recommending him to take every pains to ascertain the particular facts of the Case.

I have now the honour to enclose to your Lordship the Reply, that I have received from His Majesty's Consul, by which you will see, that the story cannot be traced by him to any foundation in fact; and I have also to transmit to you a Letter from the Sardinian Secretary of State, denying the allegation of the merchant altogether. It is very possible, however, that the latter individual may have mistaken for a slave-ship a two-masted vessel, which was fitted out to carry about 200 Ligurian husbandmen, and did sail early last November to the Coast of Brazil, as I have learnt from M. Drummond, the Brazilian Minister, who added that the said vessel was to be followed by another bound for St. Catherina, it being, as he asserts, admitted in Brazil that the bounden labour of free men, for a term of 12 years, to be followed by a division among them of half the estate, is more productive than the labour of slaves, which, as he says, gives but 3 per cent. of net profit.

M. Drummond also informed me of a vessel preparing at Genoa to carry 150 Spanish monks out to Chili.

Should your Lordship wish any further inquiry to be made upon the subject of the reported slave-vessel, ~~it would much help it, if the London merchant could be prevailed upon to give his authority for the assertion he has made, or, at least, the name of the ship, or some clue to lead to its detection.~~

Meanwhile, your Lordship will see from Count Solar's Note to me, that the most satisfactory orders have been given, to prevent any such abuse in the ports of His Sardinian Majesty.

I have, &c.

(Signed)

A. FOSTER.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 110.

Mr. Sterling to Sir A. Foster.

SIR,

British Consulate, Genoa, 21st January, 1837.

I HAVE the honour to acknowledge the receipt of your Letter of the 23d December last, enclosing Lord Palmerston's Despatch relative to the information given to Her Majesty's Government that a fast-sailing vessel was fitting out at Genoa for the Slave Trade.

On receiving your Communication I immediately inquired whether the fact alluded to did exist; and the result of my investigations was, that the information given by the anonymous merchant is groundless.

Not satisfied with my own inquiries, I considered it my duty to write upon the subject to the Consul of Marine here, and by his answer to my Letter the assertion is fully contradicted.

The Right Hon. Sir A. Foster,

&c. &c. &c.

(Signed)

T. STERLING.

CLASS B

O

Second Enclosure in No. 110.

*Count Solar to Sir A. Foster.**Turin, 5th January, 1837.*

(Translation.)

THE Undersigned, First Secretary of State for Foreign Affairs, hastens to communicate to Sir A. Foster, &c., according to his desire, the details which have been recently transmitted to him by his Excellency the Admiral on the subject of the vessel in the port of Genoa, which it was believed was destined for the Slave Trade.

The Admiral has, in the first place, perfectly satisfied himself that no vessel has left, or is about to leave, Genoa, or any other port in the States of the King, whose interior fitting, equipment, or peculiar stores gives ground to supposing to be destined for the Slave Trade. As to the mode of construction, which has led to the presumption that any vessel built on our stocks might be made use of for this illegal commerce, it is that generally adopted by the proprietors of Genoese vessels, who prefer sacrificing something in the stowage of their craft in order to obtain greater celerity in the voyages.

If it has ever happened that a vessel built on Sardinian stocks has been bought by foreigners, and employed in the Slave Trade, the Government of the King cannot be responsible for the trade in which the vessel may have been employed from the instant that she ceases to belong to his royal navy, and to bear the national flag.

The Admiral adds to these explanations that, in order to prevent, as much as possible, the least infraction of the stipulations of the Treaty for the repression of the Slave Trade on the part of vessels of the royal navy, he intends to address a new Circular to all the Consuls of Marine in His Majesty's ports, to command them to ascertain that all vessels built or fitted out in those ports have nothing in their equipment, fitting, or victualling which may give rise to a supposition that she is destined for any other than an authorized commerce. He will, at the same time, require of their active vigilance that, should they have reason to believe that a vessel could leave one of the King's ports to engage in the Slave Trade, they should immediately stop its departure, and give him notice of it without delay, in order that he may take the measures which the circumstance may require.

The Undersigned, &c.

The Right Hon. Sir A. Foster,
&c. &c. &c.

(Signed) SOLAR DE LA MARGUERITE.

TWO SICILIES.

No. 111.

Mr. Temple to Viscount Palmerston.—(Received February 22.)

(Extract)

Naples, 6th February, 1837.

ON the receipt of your Lordship's Despatch, marked "Slave Trade," of the 31st December last, I immediately called upon Prince Cassaro, and communicated to him its contents; and I have since, at his request, given him a Copy of it, that it may be laid before His Sicilian Majesty.

Prince Cassaro assured me that, His Majesty the King of Naples was very far from wishing to throw any obstacle in the way of the suppression of the Slave Trade, but on the contrary felt most anxious for its complete abolition, and that it was His Majesty's intention to enact severe laws for the punishment of any of his subjects who might be engaged in this odious traffic. He informed me, that an answer to the Notes addressed to him by myself on the 19th of October last, and by the French Chargé d'Affaires, had been drawn up and would shortly be communicated to us, and he intended to request us to meet him after we should have received these answers, in order that we might take into consideration the objections which are there pointed out to the accession of this Government to the Treaty between England and France, and to see if we can devise any means of obviating them. He informed me at the same time that he had not yet received any authority to enter into negotiations upon the subject.

I expressed to his Excellency my acknowledgments for the communication which he had made to me, and the satisfaction which my Government would feel at hearing that it is the intention of His Sicilian Majesty to enact Laws for the punishment of any of his subjects who might engage in the Slave Trade.

I observed that the objections which he adduced arose from fears which I was convinced upon consideration would prove to be wholly unfounded; that his Excellency might feel convinced that neither England, nor any of the other Powers who had acceded to the Treaty, would have agreed to stipulations calculated to subject their commerce to abuse and vexation. I added, however, that I was convinced that my Government would afford with pleasure any explanations upon the subject which his Excellency might wish to receive.

I have the honour of transmitting to your Lordship a Copy of the Note with its Translation, addressed to me by Prince Cassaro in answer to mine of the 19th of October, which I have now received, and I shall not fail to acquaint your Lordship of the result of the interview which Prince Cassaro has proposed to have with Monsieur de Tallenay and myself upon the subject.

Enclosure in No. 111.

Prince Cassaro to Mr. Temple.

Napoli, 31 Gennaio, 1837.

INVITATO il Re delle Due Sicilie ad accedere alla Convenzione stipulata nell' anno 1831, tra la Gran Bretagna e la Francia affin di riprimere la vergognosa tratta de' negri, ha piu fiate volta a serio esame l'alterazione sua per osservare le de sua parte fosseri in cio tutta convenienza. E s'internava la M. S. in tal grave disonora, si per esserle massimamente a cuore di render paghi i desiderii de' suoi Augusti Alleanzi, co' quali è intimamente legata con istretti vincoli di leale amicizia e di corrispondenza perfetta, e si per soddisfare alla verace inclinazione del suo real animo che grandemente aborre un traffico, il qual disonora cotanto l'umana natura, ed è contrario affatto alla civiltà delle moderna nazioni. Ma forza è confessare, che ponderate con tutta maturità le svariate circostanze, che niuno negar può doversi mettere a calcolo ove trattati di simiglianti operazioni, sienai queste trovate si opposte alla domandata accessione, che è stato mestieri al Re di rinunziare al compimento delle sue brame di concorrere anch' esso, per quanto era da se ad opera cotanto degna. Le quali circostanze possono al

presente tacersi, essendo state in più note si ampiamente sviluppate, che nulla lasciavano a desiderare, ed erano di tal forza, che non ammettevano replica veruna. Quindi è che mentre dovevasi il Re di non essere in grado di aggiugnere i suoi sforzi a quelli de' suoi Augusti Alleati in un'opera di gloriosa, auguravasi dall'altra parte che i due Gabinetti di St. James e delle Tuilleries penetrati fossero della forza degli esposti alti motivi, e convenissero che la M. S. inducevasi ragionevolmente a non prestare l'adesione sua, o questa tutt'al più considerasse vana e di veruna utilità. Imperocchè, come si faceva riflettere, nè la real marina mercantile spinge le sue prode insino a que' remoti paraggi, ove l'obbrobrioso mercato suol farsi, e che nella convenzione sono distintamente indicati, nè legnè da guerra possiede il Real Governo in tanta copia, che ne potesse una parte alle necessarie crociere destinare, nè colonie tiene di sorte alcuna, nè l'erario pubblico infine, per le troppo note vicende politiche esaurito presenta mezzi alti ad intraprendere alcuna operazione, oltre quelle, che son di assoluta necessità pel ben' essere di questi popoli, la cui prosperità è il primo pensiero della M. S.

Non pertanto, novelle premure essendo state fatte al Re, da parte de' due anzi detti Gabinetti, la M. S. quantunque posse stata convinta della giustezza del suo non accedere, pur tutt'ora, come ardentissima è la sua tramosia di veder soddisfatti i desiderii de' due contrattanti Governi, così ha ordinato a suoi Ministri, con tutta maturità, si occupassero di tale faccenda, e la soccorressero del loro consiglio, ove la cosa alcun lato auzer presentasse, a cui potesse appigliare, o se le accennate ragioni promettessero alcuna eccezione, o se almeno, gl'interesse de' suddite illesi rimanessero anche per una accessione, che presterebbe il Re di semplice nome, e senza materiale concorso, al che eziandio i due prelodati Gabinetti si limitano. Ed il Ministero, intorno a ciò gravemente travagliandosi, nè alcuna considerazione lasciando, oltre nell'aver conosciuto validissimi gli argomenti, che inducono la M. S. a non accedere, ha fuere osservato di esservi nell'insieme delle istruzioni, che in forza del trattato si danno à legni incrociatori elementi lati da ledere grandemente il commercio delle Due Sicilie, quando anche l'accessione si facesse senza cooperazione veruna. Dappoichè non negando in generale la debita giustizia alle dette istruzioni come mai vi possono alcune di esse non riputar veri ostacoli al commercio, se un boccaporto a graticola, che ne' legni di questa marina mercantile è sovente in uso, se poche scodelle, oltre le meramente abbisognevole, se qualche botte di più, che presso noi soglionsi in gran numero sovente portare ad uso di date specie di commercio, se qualche brocca sono presi ad indizi d'illecito traffico, e trascinano i miseri naviganti a perdite incalcolabili, a guidizi lunghissimi? I quali giudizi, quand'anche non riuscissero infine a provare il supposto delitto, niun compenso ne rivelebbero le ingenti perdite fatte da padroni de' legni. E quel ch'è di più, le discolpe de' padroni ove qualche sospetto contro di essi sorgesse non possono in niuna guisa effettuarsi; perchè non ammettendosi in niun modo le testimonianze delle ciurme come parte dell'equipaggio dello stesso legno, in qual maniera possa far militare le sue ragioni l'innocente sospetto, non si vede. Adunque leggere, e spesso non ree cagioni possono facilmente ingenerare sospetti fatali ai naviganti. Adunque le perdite per lunghi guidizi, il cui esito non prova l'esistenza di delitto non avranno compenso alcuno. Adunque sono impossibilitati i padroni de' legni sospetti a provare la di loro innocenza; e quando anche questa risultasse, come luce di meriggio in sequito di lungo dispendioso incerto guidizio, quanto poi difficile e tarda ne sarebbe la compensazione? Non sono questi tanti ostacoli, o ceppi potentissimi alla floridezza del commercio? Chi più dopo la conoscenza, di tanti rischi, affiderebbe le sue sostanze a navigazioni verso quelle longique contrade, navigazioni per se stesse già molto pericolose?

Siffatta analisi essendo stata presentata al Re, la M. S. nel cui animo gl'interessi de' suoi amatissimi sudditi vanno innanzi tutto, ha riconosciuto novelli e più rilevanti motivi impedirle suo malgrado di prestare la domandata adesione. Nulla dimeno per mostrare con tutta evidenza quanto aborra un traffico indegno dell'uomo, quanto sinceramente applaude all'onorato progetto di riprimerlo, quanto cerchi di contribuir co' mezzi, che compatibili sono con gl'interessi de' suoi sudditi, e qual desiderio infine nutra di far grata cosa alle L. L. M. M. il Re della Gran Bretagna e il Re de' Francesi, la M. S. è disposta a sanzionare una legge, con la quale severissime pure sarebbero comminate a chiunque de' suoi suddite osasse mai di addirsi al riprovato commercio de' negri.

Il sottosculto Ministro Segretario di Stato degli Affari Esteri ha quindi l'onore di render partecipe di tutto ciò S. E. il Signore Cavalier Temple, Inviato Straordinario e Ministro Plen. de S. M. H. Re della Gran Bretagna, in replica alla sua ultima nota del 19 del passato mese di Ottobre, e si pregia di ripeterle in questa opportunità le proteste della sua distintissima considerazione.

(Firmato)

PRINCIPE DI CASSARO.

(Translation.)

Naples, 31st January, 1837.

THE King of the Two Sicilies having been invited to accede to the Convention entered into in the year 1831 between Great Britain and France, for the purpose of suppressing the disgraceful traffic in negroes, has frequently turned his attention as to whether in so doing there would be perfect propriety on his part. And his Majesty has entered deeply into so grave an examination, as much because he has extremely at heart to fulfil the wishes of his august allies, to whom he is intimately bound by the strict ties of loyal friendship and of a perfect understanding, as also to satisfy the true inclination of his royal mind, which greatly abhors a traffic which dishonours so much human nature and is directly contrary to the civilization of modern nations. But it is necessary to confess that having most maturely weighed the various circumstances, which it cannot be denied ought to be taken into calculation when similar measures are under consideration, these have been found so opposed to the required accession, that it has been necessary for the King to renounce the fulfilment of his desire to concur also himself, as far as was in his power, in so praiseworthy an undertaking; which circumstances may for the present be passed over in silence, having been so amply explained in several Notes, that they left nothing to be desired, and were of such force that they admitted of no answer. Thence it is that whilst the King regretted that he was not prepared to join his efforts to those of his august allies in so glorious a work, he hoped, on the other hand, that the two Cabinets of St. James and the Tuilleries would be convinced of the force of the high motives adduced, and would agree that His Majesty was induced with reason not to grant his adhesion, or that they would consider such adhesion at the most as vain and of no utility whatever. Since, as it has been pointed out, the Royal Mercantile Navy does not send its ships to those distant regions where the disgraceful traffic takes place, and which are distinctly pointed out in the Convention, nor does the Royal Government possess ships of war in such number as to be able to destine a part of it for the necessary cruisers, nor does it possess Colonies of any sort, nor, finally, does the public treasury, exhausted by too well known political vicissitudes, offer means

calculated for the undertaking of any operations, beyond those which are of absolute necessity for the well-being of this nation, whose prosperity is the first thought of His Majesty.

Nevertheless, renewed representations having been made to the King on the part of the two above-mentioned Cabinets, His Majesty, however much convinced of the justice of his non-accession, notwithstanding, as his desire of seeing the wishes of the two contracting Governments satisfied is most ardent, has ordered his Ministers to occupy themselves with this business most seriously, and to assist him with their advice, should the affair present any tangible side, whether the reasons mentioned allow of any exception, or should at least the interests of his subjects remain uninjured, even through an accession which the King would give merely in name and without active co-operation, to which the two above-mentioned Cabinets limit their request. And the Ministry, occupying themselves seriously to that end and not omitting any consideration, besides having recognized as most powerful the arguments which induce His Majesty not to give his accession, have moreover observed that in the instructions, which in consequence of the Treaty are given to the cruising vessels, there are elements of such a nature as to injure greatly the commerce of the Two Sicilies, even if the accession should be made without any co-operation whatever. Since without denying in general to the instructions the justice which is due, how is it possible not to consider some of them as real obstacles to commerce? If hatches with open gratings, which are often used in this commercial navy, if a few mess-tubs besides those absolutely necessary, if some supernumerary casks, which with us are often carried in great numbers for the purposes of certain kinds of commerce, if some boilers are considered as proofs of an illicit traffic, and expose the wretched navigators to incalculable losses, to lengthened law proceedings. And even if these law proceedings should not eventually succeed in proving the supposed crime, the enormous losses sustained by the Owners would not meet with any compensation. And what is more, the justification of the Owners, when any suspicion may arise against them, cannot be effected in any way; since the evidence of the sailors not being admitted under any circumstances, as forming part of the crew of the same vessel, it does not appear how an innocent man suspected can make his arguments avail. Since, therefore, slight and often not culpable causes may easily give rise to suspicions fatal to the navigators; since the losses through protracted lawsuits, whose issue does not prove the existence of crime, will not have any compensation whatever; since the Owners of suspected vessels are incapacitated from proving their innocence, and should it even be as clear as the light of noon-day after a long, expensive, uncertain lawsuit, how difficult and tardy would be the compensation?

Are not these so many obstacles or most powerful impediments to the prosperity of commerce? Who, after the knowledge of so many risks, would trust his goods in voyages towards those distant shores, voyages already in themselves very dangerous?

Such an analysis having been presented to the King, His Majesty, in whose mind the interests of his beloved subjects have the first place, has recognized that fresh and more important motives prevent him, against his will, from granting the required adhesion. Nevertheless, to demonstrate with the clearest evidence how much he abhors a traffic unworthy of mankind, how sincerely he applauds the honourable project of repressing it, how much he seeks to contribute to it with all the means which are compatible with the interests of his subjects, and, in short, how great the desire is which he entertains of doing that which may be agreeable to Their Majesties the King of Great Britain and the King of the French, His Majesty is disposed to sanction a Law by which the most severe punishments shall menace whoever among his subjects might dare to betake himself to the reprobated traffic of negroes.

The Undersigned, &c. has therefore the honour of communicating all this to his Excellency Mr. Temple, &c. in reply to his Note of the 19th of last October, and avails himself, &c.

(Signed) H. PRINCIPE DI CASSARO.

No. 112.

Viscount Palmerston to Mr. Temple.

(Extract.)

Foreign Office, 25th March, 1837.

I HAVE received and laid before the King your Despatch marked "Slave Trade," of the 6th of February, containing an account of the interview with Prince Cassaro, in which you discussed the grounds upon which the King of Naples declines to accede to the Conventions between Great Britain and France, for the prevention of the Slave Trade.

In expressing to the Neapolitan Minister the satisfaction with which His Majesty's Government have learnt that it is the intention of the King of Naples to sanction a law for the punishment of any of his subjects who may be engaged in the Slave Trade, you will express the earnest hope of His Majesty's Government, that His Sicilian Majesty will not hesitate to act upon the desire, which he entertains, of concurring in a measure directed to an end so laudable as the suppression of the Traffic in Slaves.

No. 113.

Viscount Palmerston to Mr. Temple.

SIR,

Foreign Office, 25th April, 1837.

WITH reference to my Despatch to you, marked "Slave Trade," of the 18th of March last, I herewith transmit to you an extract of a Despatch from His Majesty's Commissioners at Surinam, reporting that a slave vessel under Sicilian colours had been seen in the neighbourhood of that colony.

You will take an early opportunity of communicating the information contained in the enclosed Paper to the Neapolitan Minister, as support of the representations which you are instructed to make, on the subject of the refusal of the Sicilian Government to accede to the Convention of France on Slave Trade.

Mr. Temple,
&c. &c.

I am, &c.
(Signed) PALMERSTON.

No. 114.

Mr. Temple to Viscount Palmerston.—(Received May 18th 1837.)

MY LORD,

Naples, 30th April, 1837.

PRINCE CASSARO has informed Monsieur de Tallenay and myself, that he had communicated to the King of Naples what had passed at the Conference which we had with his Excellency, upon the subject of the accession of this Government to the Conventions for the suppression of the Slave Trade, and which was detailed in my Despatch to your Lordship marked "Slave Trade" of the 20th instant; and that His Sicilian Majesty had authorized his Excellency to proceed in the Negotiations with us.

Prince Cassaro also told us that as soon as he shall have received an answer to the inquiries which he has submitted to the Chamber of Commerce, he will invite us to meet him to communicate to us the result, and we may then have an opportunity of discussing the subject again, should there be any other points upon which further explanations may be necessary, after which the matter will be laid before the Council of State for its deliberation and approval.

I have, &c.
(Signed) W. TEMPLE.
The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 115.

Mr. Temple to Viscount Palmerston.—(Received June 1st.)

MY LORD,

Naples, 18th May, 1837.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked "Slave Trade" enclosing a Despatch from His Majesty's Commissioner at Surinam, reporting, that a vessel under Sicilian colours, carrying slaves, had arrived in those seas.

I immediately communicated to Prince Cassaro the Report of the Commissioners, urging at the same time the necessity of the Neapolitan Government acceding to the Conventions between England and France, and enacting severe Penal Laws against Neapolitan subjects engaged in the Slave Trade, as the only means of preserving the Sicilian flag from being disgraced, by evil-disposed persons resorting to it as the one under which they could have the best chance of carrying on their illegal traffic with impunity.

Prince Cassaro has promised to lay the communication before the King, observing, at the same time, that as the laws of this country prohibit foreigners from commanding any vessels sailing under the Sicilian flag, and the Commander of the slave ship in question is stated to be French, the vessel could not belong to subjects of His Sicilian Majesty, but to foreigners who carried on that disgraceful commerce under His flag.

I have, &c.
(Signed) W. TEMPLE.
The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 116.

Mr. Temple to Viscount Palmerston.—(Received June 15th.)

(Extract.)

Naples, 31st May, 1837.

MONSIEUR DE TALLEMAY and myself called yesterday by appointment upon Prince Cassaro, who communicated to us the answers he had received from the Board of Commerce respecting the manner in which vessels trading with the Brazils are usually fitted out, and I am happy to say that the objections which his Excel-

lency anticipated as likely to arise to some of the stipulations contained in the 6th Article of the Supplementary Convention between England and France of the 22d March, 1833, appear now to be wholly removed, nor did Prince Cassaro consider that there was any Article in the proposed Treaty that would create any serious difficulty. He promised to lose no time in submitting the Treaty to His Sicilian Majesty and the Council of Ministers, expressing his hopes that it might be concluded without any unnecessary delay.

Monsieur de Tallenay having asked Prince Cassaro, whether he could give him sufficient hopes of the Treaty being speedily brought to a conclusion, to authorize him to apply to his Government for full powers to negotiate, in order that no unnecessary time might be lost, Prince Cassaro replied, that he was only as yet authorized to discuss the subject, but he had not received Instructions to negotiate the Treaty with us; he felt, however, certain that it was the desire of his Government to conclude the Treaty, to which he saw no obstacle, and there could be no objection therefore to Monsieur de Tallenay's applying for the necessary powers from his Government. Monsieur de Tallenay has therefore written to his Government to-day to that effect.

Prince Cassaro has requested Monsieur de Tallenay to furnish him with a Copy of the French Penal Laws for the punishment of persons engaged in the Slave Trade; for the French Code of Law having been adopted in this country, this Government wishes to follow the French Law on this occasion also.

No. 117.

Mr. Temple to Viscount Palmerston.—(Received June 9th.)

(Extract.)

Naples, 6th June, 1837.

I HAVE the honour of acknowledging the receipt of your Lordship's Despatch, marked "Slave Trade," of the 12th ultimo, in which the only remaining objection which Prince Cassaro anticipated as likely to be made by this Government to its accession to the Conventions between England and France, is completely obviated.

The Prince informed me that the proposed Treaty had been laid before His Sicilian Majesty and communicated to the Council of Ministers.

Having asked Prince Cassaro whether he would authorize me to inform my Government that the Treaty was likely to be soon concluded, he said that he could not do so officially, but that I might express my opinion that there are good grounds for expecting that it will be, as the Government is disposed to accede to the Conventions.

I shall not fail to attend to the Instructions contained in the latter part of your Lordship's Despatch, which I communicated to Prince Cassaro, and I must, in justice to Monsieur de Tallenay, say, that he has been very active and zealous in pressing the subject upon the attention of this Government.

No. 118.

(Extract.) *Mr. Temple to Viscount Palmerston.—(Received October 2d.)*

Naples, 16th September, 1837.

I HAVE the satisfaction of announcing to your Lordship, that Prince Cassaro has informed me, that he had submitted to His Sicilian Majesty in Council a Draft of the proposed Treaty of accession on the part of this Government to the Conventions entered into between Great Britain and France for the suppression of the Slave Trade, and that it had been approved of by His Majesty.

No. 119.

Mr. Temple to Viscount Palmerston.—(Received October 7.)

(Extract.)

Naples, 17th September, 1837.

I HAVE just received a Note from Prince Cassaro, informing me that His Sicilian Majesty has now agreed to all the Articles of the Treaty of Accession proposed by Great Britain and France; and Prince Cassaro has expressed his readiness to have the Treaty drawn up and signed without any further delay.

TUSCANY.

No. 120.

Mr. Abercrombie to Viscount Palmerston.—(Received February 21.)

MY LORD,

Florence, 11th February, 1837.

MONSIEUR Bellocq, the French Minister at this Court, having received from his Government instructions to make, in concert with me, a communication to the Tuscan Minister for Foreign Affairs precisely similar to that which your Lordship has instructed me to make by your Despatch, marked "Slave Trade," dated 27th December, 1836, on the subject of the accession of Tuscany to the Conventions of 30th November, 1831, and 22d March, 1833, signed between His Most Gracious Majesty and the King of the French, for the better and more effectual suppression of the Slave Trade, we called on the 9th instant upon his Excellency Count Fossombroni, and delivered to him the Notes, Drafts of which had severally been transmitted to us from our respective Governments, together with Copies of the Conventions above alluded to.

We explained to his Excellency, in conversation, the particular objects our Government had in view in thus inviting all Maritime States to accede to these Conventions, and pointed out to his Excellency the fact that, so long as there remained any Maritime State not a party to these arrangements, the flag of such country would inevitably be used to cover this cruel and revolting traffic.

Count Fossombroni having received our communications, promised to give them the maturest consideration, and to inform us of the determination of the Tuscan Cabinet, so soon as the pleasure of His Imperial and Royal Highness, who is at present at Leghorn, can be obtained.

Monsieur Bellocq, on his part, informed the Tuscan Minister for Foreign Affairs that, should the Government of his Imperial and Royal Highness determine upon becoming a party to this arrangement, he should receive from Paris instructions and full powers to negotiate for the formal accession of the Grand Duchy to the Conventions of 30th November, 1831, and 22d of March, 1833.

I have, &c.

(Signed)

R. ABERCROMBIE.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 121.

Mr. Abercrombie to Viscount Palmerston.—(Received February 28.)

MY LORD,

Florence, 18th February, 1837.

I HAVE the honour to transmit herewith a Copy of a Note from his Excellency Count Fossombroni, in reply to that which I presented in concert with the French Minister at this Court, relative to the accession of the Grand Duchy of Tuscany to the Conventions signed on 30th November, 1831, and 22d March, 1833, between His Most Gracious Majesty and the King of the French for the better suppression of the Slave Trade. Your Lordship will observe that his Excellency declares in the enclosed Note the consent of his Imperial and Royal Highness the Grand Duke to become a party to these Conventions, and that as soon as His Majesty's Government and that of France shall have granted the requisite full powers, the Tuscan Government will be ready to enter into discussions for the formal accession of the Grand Duchy to the Conventions above cited.

I have, &c.

(Signed)

R. ABERCROMBIE.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 121.

(Translation.)

M. Fossombroni to Mr. Abercrombie.

SIR,

Florence 17th February, 1837.

I HAVE the honour to inform you that His Imperial and Royal Highness the Grand Duke adheres in principle to the request contained in your Note of the 9th instant, and that, consequently, as soon as you shall have been furnished with full power and instructions relating to it, conferences will be commenced here, having for their object the compilation and signing of the Treaty concerning the accession of Tuscany to the Conventions concluded between Their Majesties the King of Great Britain and the King of the French for the suppression of the Slave Trade.

Ralph Abercrombie, Esq.,
&c. &c. &c.

I am, &c.
 (Signed) FOSSOMBRONI.

No. 122.

Mr. Abercrombie to Viscount Palmerston.—(Received December 5.)

MY LORD,

Florence, 24th November, 1837.

I HAVE the honour to inform your Lordship that I have this day, in conjunction with the plenipotentiaries of France and Tuscany, signed a Convention for the Accession of His Imperial and Royal Highness the Grand Duke of Tuscany to the 2 Conventions between Great Britain and France, signed at Paris the 30th November, 1831, and the 22d March, 1833, for the more effectual suppression of the Slave Trade.

I have confided this Convention to Mr. George Lenox Conyngham, to be by him conveyed to England.

I am, &c.
 (Signed) R. ABERCROMBIE.
The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

BUENOS AYRES.

No. 123.

Viscount Palmerston to Mr. Mandeville.

SIR,

Foreign Office, 9th June, 1836.

I HAVE received and laid before the King Mr. Hamilton's Despatches, marked "Slave Trade," dated the 9th January and the 5th March, 1836.

His Majesty's Government regret to learn from these Despatches, that Mr. Hamilton has failed in the negotiations entrusted to him.

It appears that the Buenos Ayres Government makes its consent to the negotiation of a Treaty for the suppression of the Slave Trade, depend upon the acquiescence of Great Britain, in the simultaneous reconsideration of certain alterations, proposed on the part of Buenos Ayres, in the Treaty of Amity, Commerce, and Navigation, concluded between Great Britain and Buenos Ayres on 2d February, 1825.

By the 14th Article of that Treaty the Government of Buenos Ayres pledged itself to prohibit its subjects from carrying on, and from taking any share in the Slave Trade; but did not engage to conclude a Treaty with Great Britain for the suppression of that trade. Great Britain has a right, therefore, to demand, that the Government of Buenos Ayres shall take the steps necessary for effectually preventing its subjects from being concerned in the trade, but has not a right to demand a Treaty upon that subject.

You will report whether the measures taken in fulfilment of the 14th Act of the Treaty of 1825, are sufficient for their purpose.

You will state to the Buenos Ayres Government, that it would be a source of great regret to His Majesty's Government, if the Argentine Republic should finally determine, not to conclude with Great Britain a Treaty, similar to those which other Christian States have agreed to, for the purpose of putting an end to the Slave Trade in all parts of the world; and His Majesty's Government cannot but believe, that if, for want of such a Treaty, the Argentine flag should hereafter be prostituted by adventurers and pirates of other nations, for the purposes of protecting their crimes, the Buenos Ayrean nation will lament, that the propositions of Great Britain should have been rejected. But the British Government cannot consent to mix up, in the same negotiation, things which are essentially distinct; or to blend a revision of the commercial arrangements between the two countries, with the conclusion of a Slave Trade Treaty.

If, therefore, you should find, that the Buenos Ayrean Government still persist in making the Slave Trade depend upon the revision of the Commercial Treaty, you will say, that His Majesty's Government laments, that a condition should be annexed to the former compact, which renders it for the present unattainable; and you will express a hope, that the time is not far distant, when a more attentive consideration of the evils produced by the Slave Trade, and of the honour which will accrue to those who suppress that Trade, may lead the Government of Buenos Ayres to alter its determination, and to associate itself with the great league of the Christian States, against this system of piracy.

But you will at the same time point out, that, when the great majority of the Maritime Powers of the world shall have associated, for the purpose of actively hunting down the criminals who make unlawful war against the human race, any one Power, whose flag may continue to be abused for the purpose of sheltering such offenders, would find itself placed in a situation, which could not in any way be congenial to the feelings, or conducive to the honour, of a high-minded and generous people.

John Henry Mandeville, Esq.,
 &c. &c. &c.

I am, &c.
 (Signed) PALMERSTON.

No. 124.

Mr. Mandeville to Viscount Palmerston.—(Received January 8, 1837.)

MY LORD,

Buenos Ayres, 5th October, 1836.

IN obedience to the instructions conveyed to me in your Lordship's Despatch, marked "Slave Trade," of the 9th June, 1836, I have conveyed to Senor Arana the sentiments of regret, which the failure of Mr. Hamilton's negotiations with this Government for concluding a Treaty for the suppression of the traffic in slaves had given rise to in the minds of His Majesty's Ministers. I then brought forward the able arguments with which your Lordship's Despatch had furnished me, to overcome the reluctance of the Government to make this convention; and that there might be no mistake, and no expression misinterpreted, or forgotten, I drew up a *Note verbale*, which I left with Senor Arana, at his request, to be laid before the Governor and Captain-General for his consideration; it being agreed that the same mode would be observed in the delivery of his Excellency's answer.

I have the honour to enclose a Copy of the "*Note verbale*." When I had read it to the minister, and it had been translated to him, he told me, that the impression which Mr. Hamilton's proposal to make a Slave Trade Convention had produced here was, that His Majesty's Government had a misgiving, as to the good faith and sincerity of this Government, with regard to the 14th Article of the Treaty between Great Britain and the United Provinces, an impression the more painful, as they had never been called upon to put a stop to any Slave Trade transaction, that they had not willingly come forward to crush it; and of this they had given me very unequivocal proof during my short residence here, by the alacrity which had been used in stopping the departure of the Brazilian vessel "*Eloisa*" within an hour after my application to him to do so; that to require a revision of this Article was throwing a doubt upon their loyal intentions as to the execution of it.

I replied to his Excellency, that so far from this being the case, it was upon their loyal intentions I relied; and their good faith and sincerity to execute the 14th Article, I regarded as my best auxiliaries to induce his Government to conclude a Convention with Great Britain; as it was a compact of this nature that could alone enable them and us, more effectually to put a stop to any attempt to trade in slaves under their flag, or to prevent the fitting out of any vessels in their ports; and I adduced in support of my argument, the supposed case of a vessel under the Argentine flag, armed and equipped for the Slave Trade on her way to the Coast of Africa, or on her return from thence laden with slaves, which might be met by any of His Majesty's ships-of-war: in the present state of our relations, and until a Slave Trade Treaty was concluded, what would happen under these circumstances His Majesty's cruisers must be passive spectators of this iniquity triumphing over their inability to prevent it, under the protection of the colours of the Argentine Confederation. His Excellency having no remark to make on these observations, he broke up the Conference, by acquainting me that he would put me in possession of the Governor's sentiments, with regard to my communication, the moment that they were made known to him.

I have, &c.

(Signed)

H. MANDEVILLE.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 124.

Note Verbale.

FROM Mr. Hamilton's Despatches of January and March last, His Majesty's Ministers have learnt with regret that his endeavours to negotiate a Treaty with the Government of Buenos Ayres for the suppression of the traffic in slaves, have not met with the success that the known benevolence and humanity which characterize this Government, would have led them to look forward to.

By these Despatches His Majesty's Government were apprised, that the Governor General makes his consent for the negotiation of a Treaty for the suppression of the Slave Trade depend, upon the acquiescence of Great Britain in the simultaneous consideration of certain alterations proposed on the part of Buenos Ayres, in the Treaty of Amity, Commerce, and Navigation, concluded between this country and Great Britain, on the 2d February, 1825. But the British Government cannot consent to mix up in the same negotiation things that are essentially distinct, or to blend a revision of the commercial arrangements between the two countries, with the conclusion of a Slave Treaty.

I have been commanded to state to your Excellency that it will be a source of great regret to His Majesty's Government, if the Argentine Republic should finally determine not to conclude with Great Britain a Treaty, similar to those other Christian States have agreed to, for the purpose of effectually putting an end to the Slave Trade. And his Majesty's Government cannot but believe that if for want of such a Treaty the Argentine flag should hereafter be prostituted by adventurers and

pirates of other nations, for the purpose of protecting their crimes, or the ports of the Republic be made a receptacle for these miscreants, from which they can fit out vessels for this abominable traffic, the Buenos Ayrean nation will lament that the propositions of Great Britain should have been rejected.

In this persuasion, and not doubting that the Government of Buenos Ayres has at heart, equally with that of His Majesty, the suppression of this traffic, I propose to your Excellency to join me in my efforts to prevail upon the Governor and Captain-general to associate the Argentine Confederation with the great League of the Christian States, and conclude with His Majesty's Government a convention, for the more effectually carrying into execution the destruction of the Slave Trade in all parts of the world.

No. 125.

Mr. Mandeville to Viscount Palmerston,—(Received Jan. 24, 1837.)

MY LORD,

Buenos Ayres, 15th Nov., 1836.

IN obedience to the Instructions conveyed to me in your Lordship's Despatch, marked "Slave Trade," of the 10th February, 1836, by which I am directed to let pass no opportunity, nor omit any efforts, which may afford me a chance of concluding a convention with the Government of Monte Video, for the more effectual suppression of the traffic in slaves; I addressed a note, since the departure of the last Packet, to the Minister for Foreign Affairs of that Republic, of which I have the honor to enclose a Copy to your Lordship.

I have, &c.

(Signed)

H. MANDEVILLE.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 125.

Mr. Mandeville to Senor Llambi.

SIR,

Buenos Ayres, 27th October, 1836.

WHATEVER might have been the motives which induced the Government of the Uruguay to throw obstacles in the way of the negotiations of the Treaty of Amity and Commerce which His Britannic Majesty's Government proposed to it through Mr. Hamilton during the last year, or to make demands of a nature which the Government of Uruguay in preferring them might have been certain that Great Britain would never consent to, still there can exist no motive that a free State could bring forward to prevent the Monte Videan Government from negotiating a treaty for the extinction of the abominable traffic in slaves.

The Undersigned, His Britannic Majesty's Plenipotentiary to the Argentine Republic, thinks, then, that he will do what ought to be agreeable to the Monte Videan Government, the constitution of which State is founded upon a perfect equality of rights and of freedom to all its citizens—when he renews to the Republic of Uruguay the proposition which his predecessor, Mr. Hamilton, made some time since, to join with Great Britain in executing a treaty for the purposes above-mentioned. And in thus addressing himself to his Excellency the Minister for Foreign Affairs of that Republic, he trusts that it is not a vain hope which induces him to look forward to his Excellency's exertions and co-operation to obtain this most desirable result to his application, and thus assimilate the Monte Videan Government with the other Christian States that have concluded with Great Britain treaties for the purpose of putting an end to the Slave Trade in all parts of the world.

The Undersigned, &c.

(Signed)

H. MANDEVILLE.

His Excellency Senor Don Francisco Llambi,

&c.

&c.

&c.

No. 126.

Mr. Mandeville to Viscount Palmerston.—(Received March 23, 1837.)

MY LORD,

Buenos Ayres, 21st December, 1836.

I HAVE the honour to enclose a Copy of the Answer, which the Minister for Foreign Affairs of the Republic of Uruguay has sent to me, in reply to my Note, wherein I renewed the application, that had last year been addressed to his Excellency by Mr. Hamilton, in the name of the British Government, to make a treaty between His Majesty and that Republic, for the suppression of the traffic in slaves.

M. Llambi states in his Reply, that a Slave Trade Treaty, emanating, as it would, from a Treaty of amity and commerce between Great Britain and the Republic of Uruguay, will not be taken into consideration by his Government, until that treaty is concluded, to which he thinks there can no longer exist any obstacles, since his Government have consented to withdraw the objectionable Article, which they had demanded in favour of Spain; leaving unnoticed the

alterations which they had required in other Articles; and which, as has been declared to the Monte Videan Minister, His Majesty's Government can never consent to.

I have, &c.

(Signed)

J. H. MANDEVILLE.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 126.

*Department of the Minister for Foreign Affairs,
Monte Video, November 3, 1836.*

(Translation)

THE Undersigned Minister for Foreign Affairs, of the Oriental Republic of Uruguay, duly laid before his Government the Note dated the 27th October last, which his Excellency the Minister Plenipotentiary of His Britannic Majesty to the Argentine Republic, was pleased to address to him, saying that whatever may have been the motives that induced the Government of the Republic of Uruguay to place obstacles in the way of the negotiations of the Treaty of Amity and Commerce, which that of His Britannic Majesty proposed through Mr. Hamilton, or to make amends of a nature, that in preferring them the Government might have been certain that Great Britain would never consent to them; he thought, nevertheless, that there was nothing that a free state could bring forward to hinder the Monte Videan Government from negotiating a Treaty for the abolition of the abominable traffic in slaves; and the Minister Plenipotentiary thought that on the part of the Government of Monte Video, it must be pleasant to act upon such an understanding, from the circumstance of the Constitution of that State being founded upon an equality of rights and liberties secured to all its citizens, when he thus renewed a proposition similar to that made by his predecessor to this Republic to unite with Great Britain in the conclusion of a Treaty for the afore-mentioned object, trusting that it is not a vain hope which induces him to expect from the Undersigned his co-operation and assistance so necessary for the attainment of this most desirable result of his application, so as to assimilate the Monte Videan Government with the rest of the States of Christendom who have suppressed the Slave Trade.

In consequence, the Undersigned has been authorized to acquaint his Excellency in answer, that the obstacles interposed by the Government of the Republic to the consummation of the Treaty of Amity and Commerce proposed in the name of His Britannic Majesty by his Plenipotentiary Mr. Hamilton, did not contain any sentiment injurious to the dignity of the King's Government, or any other view than that of establishing in that Treaty principles of strict equality which would avert the injuries that would undoubtedly fall upon the national interests, were concessions granted, which in reciprocity could not be found to weigh in favour of one of the contracting parties.

The British Ministry being aware of the discussions on which the Plenipotentiary of the Republic grounded these alterations, it would appear that it did not find greater obstacles to the definitive arrangement of this affair than the already mentioned exception in favour of Spain, which remained afterwards without effect by the withdrawal of them (the obstacles), as the Undersigned before found occasion to bring to the knowledge of his Excellency.

For the rest, the Treaty relative to the traffic of slaves being an emanation of the said Treaty, the Government of the Republic resolved at that time not to take it into consideration whilst it remained ignorant of the result of the negotiations pending upon the first Treaty, which, as it cannot finally be deferred, the Government reserves for itself that opportunity to give to his Excellency the opinion which this subject deserves.

The Undersigned, &c.

(Signed)

FRANCISCO LLAMBI.

No. 127.

Mr. Mandeville to Viscount Palmerston.—(Received May 12.)

MY LORD,

Buenos Ayres, 20th January, 1837.

I HAVE at last received an answer to the "Note verbale" which I left with Senor Arana, the Minister for Foreign Affairs, at the conference which I had with his Excellency in the month of October last, with the object of endeavouring to induce this Government to conclude with His Majesty a Convention for the suppression of the Slave Trade.

I have the honour to enclose a Copy of it, with a Translation.

The Minister therein states, that the Government of Buenos Ayres have not refused to enter into a Convention on the subject of the Slave Trade; but, in the event of concluding such a compact, not only the 14th, but other Articles of the Treaty of 1825 should be reconsidered. This answer, his Excellency observes, he had given to Mr. Hamilton in 1835, and by order of his Government he now renews it to me; adding, that I shall always find him disposed to conclude the Convention, whenever I am authorized to afford the explanations required concerning the other Articles of the Treaty.

His Excellency then proceeds to allege, that a Convention, made to enforce the fulfilment of the 14th Article of the Treaty of 1825, might raise a doubt with regard to the fidelity of this Government in the fulfilment of their engagements, and upon a proper observance of the laws of the Republic; that Great Britain, it

would appear, in order to cause the stipulations with the Argentine Republic on this point to be respected, had been under the necessity of requesting an agreement of this nature, as security for the execution of those already made with the British nation; that a new State ought to be more particularly jealous of its reputation; and that the making a Convention for the better fulfilment of the 14th Article exclusively, would go to establish an absence of good faith in the execution of their engagements.

These, difficulties, however, it seems, would be got over, if His Majesty's Government would consent to the explanations, required by the Buenos Ayrean Government, on various other Articles of our Treaty with this country; for, as in the first part of the Note his Excellency says, that I shall always find him disposed to enter into a Convention when I am authorized to afford him the desired explanations, so, he ends it by declaring, that the Government of the Republic has resolved, that if it concludes a Convention for the suppression of the Slave Trade, these explanations must, at the same time, be given.

In the fulfilment of the latter part of the Instructions contained in your Lordship's Slave Trade Despatch, of last year, I have, in reply to this communication, addressed to the Minister for Foreign Affairs a Note, which I have now the honour to enclose.

I have, &c.

(Signed)

H. MANDEVILLE.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 127.

(Translation.)

Note Verbale.—Senor Arana to Mr. Mandeville.

THE Government of Buenos Ayres, ever faithful to its solemn engagements, has never departed from the sentiments of justice, upon which its administration rests; neither has it refused to enter into a Convention on the subject of the Slave Trade, inasmuch as it not only engaged itself by the Treaty of 1825 not to allow, and to restrict the Argentine subjects from employing themselves in it, but also there exists laws enacted, both anterior and posterior to the same Treaty, in conformity with this object. It has only limited itself to declaring that, in the event of celebrating such a Convention, as it would be an elucidation made of the 14th Article of the said Treaty of 1825, the same should also be made of some other articles of the above-mentioned Treaty; facilitating by this manner its better comprehension, and consequently the subsequent progress of the relations of amity between Great Britain and the Argentine Republic.

This was the reply given in the year 1835 to his Excellency Mr. Hamilton, your Excellency's predecessor, and the one which I now, by order of my Government, again bring forward, assuring your Excellency that you will find me disposed to enter into the Convention proposed, whenever you find yourself so situated as to afford the above-mentioned explanations.

The Government of Buenos Ayres, ever jealous of its reputation, and of the unfavourable impressions which might cause abroad the elucidation of the 14th Article alone, cannot agree to any new engagement which would cast a doubt upon its fidelity to existing Compacts, and upon the observance of the laws, with the punctual fulfilment of which it is entrusted. This it signified to Mr. Hamilton without being able to prevail upon him to alter his decision, which at that time he declined to do, as also latterly did your Excellency.

The Señor Minister, acknowledging the accustomed justice of this Government, states that he has observed with satisfaction all the noble interest with which it is animated for the fulfilment of the 14th Article, to which the proposed Convention bears reference; and since this is certain, a new engagement, founded upon what the Argentine Republic has so punctually and freely fulfilled, and is actually fulfilling, cannot be asked for with well-grounded reason.

The Señor Minister observes again, that, notwithstanding the existence in various states of enactments, prohibitive of the traffic in slaves, they have acceded favourably to the overtures of Great Britain, without their foreign credit having on that account suffered any diminution, adding that their objects, as well as those of his Government, could only be fulfilled through an agreement being made by the authority charged with the Foreign Relations of this Republic, to the effect that the vessels or war of His Britannic Majesty might search and take possession of such Argentine vessels as are suspected of being employed in the traffic of slaves.

But it must be taken into consideration as regards the first point, that in new States which are rising into existence, their Foreign credit is not only liable to vicissitudes, but that likewise by their very position, they demand additional care, which at this day is not required in ancient States, whose credit is cemented, and their relations with Foreign and Friendly Nations, secured by the process of time and the intercourse they have maintained; hence it results that, as regards the second point, the difficulty that presents itself is more conclusive, as the adding an article for the explanation of the 14th Article, exclusively, of the Treaty of 1825, would go to establish in a much more explicit manner the total absence of fidelity in previous engagements, the want of observance of the laws of the Republic, the imbecility of its Government, and lastly that Great Britain, in order to cause its engagements with the Argentine Republic to be respected, had seen itself under the necessity of requiring an agreement of such a nature as would give security to the stipulation previously made with the same British Nation.

The Senor Minister then must perceive with how great reason my Government has resolved,—that if it conclude any Convention with Great Britain for the Abolition of the Slave Trade, with reference to the 14th Article of the Treaty of 1825, some explanations should at the same time be made on various other Articles of the same Treaty, in order to facilitate its better comprehension, and consequently the friendly relations of both States.

Second Enclosure in No. 127.

*Note Verbale.—Mr. Mandeville to Senor Arana.**Buenos Ayres, 20th January, 1837.*

THE Undersigned, His Britannic Majesty's Minister Plenipotentiary to the United Provinces of the Rio de la Plata, has perused with pain the "Note Verbale," which his Excellency Don Felipe de Arana has delivered to him, in answer to that which he had the honour of presenting to him some weeks since, when he renewed to his Excellency the proposal that his predecessor, Mr. Hamilton, had formerly made of concluding with the Argentine Republic, in the name of his Britannic Majesty, a Treaty similar to that which other Christian States had entered into with Great Britain, for the purpose of putting an end to the Slave Trade in all parts of the world. He sees in the reply a reluctance to assist in this work of humanity, without a consideration being afforded by the revision of certain Articles of Treaty, concluded between Great Britain and the Argentine Republic in 1825, as if benevolence and humanity were of themselves insufficient to induce the Government of this country to co-operate with Great Britain for the suppression of this iniquitous traffic.

In the Conference which the Undersigned had with his Excellency upon the subject, he formally declared, and this declaration was reiterated in the "Note Verbale," which he had then the honour to place in his Excellency's hands, that the British Government cannot consent to mix up in the same negotiation things which are essentially distinct, or to blend a revision of the commercial arrangements between the two Countries, with the Conclusion of a Slave Trade Treaty. To reproduce, therefore, the same proposition in the face of this Declaration, as his Excellency has done in the Note which he has received from him is, to say the least of it, to defer for the present to be guided solely by the dictates of humanity and benevolence in the conclusion of the Treaty; and His Majesty's Government will lament that a condition should be annexed to this Compact, which renders for the present its attainment impracticable.

But the Undersigned confidently trusts that the time is not far distant when a more attentive consideration of the evils arising out of the Slave Trade, and of the honour which will accrue to those who suppress it, may lead the Government of Buenos Ayres to allow its determination, and to associate itself with the Christian States against this system of piracy. At the same time he feels that it is his duty to point out to his Excellency that when the great majority of the maritime powers of the world shall have associated for the purpose of hunting down the criminals who make unlawful war against the human race, any one power whose flag may continue to be abused for the purpose of sheltering such offenders, would find itself placed in a situation which could not in any way be congenial to the feelings or conducive to the honour of a high minded and generous people.

The Undersigned avails, &c.

(Signed) H. MANDEVILLE.

Senor Arana,
&c. &c.

No. 128.

Mr. Mandeville to Viscount Palmerston.—(Received May 13.)

MY LORD,

Buenos Ayres, 1st March, 1837.

No resolution has yet been come to by this Government, with regard to the condemnation of the brig "*Eloisa*." She has been dismantled, and is still lying in the inner roads, with the Captain and the remainder of the crew, who have not escaped on board the vessel. The expenses and loss which the Owners have incurred through the detention of this ship will already have amounted to more than her value.

I have, &c.

(Signed)

H. MANDEVILLE.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 129.

Viscount Palmerston to Mr. Mandeville.

SIR,

Foreign Office, 10th June, 1837.

I HAVE received and laid before the King your Despatch, "Slave Trade," of the 20th of January last.

His Majesty's Government have learnt with regret the determination of the Government of Buenos Ayres, not to conclude a Convention for the suppression of the Slave Trade, unless it be accompanied by a revision of the Treaty of Amity and Commerce of 1825. But I am not without hopes, that the Note, which you will have addressed to Don F. De Arana, in pursuance of the Instructions contained in my Despatch, of the 9th of June, 1836, may have received a more favourable answer. But if such should not be the case, and if the Buenos Ayrean Government should adhere to the determination announced in Senor Arana's Note to you, you will bring the question again under the consideration

of the Buenos Ayrean Government, by a Note, in conformity with the enclosed Draft.

Mr. Mandeville,
&c. &c.

I am, &c.
(Signed) PALMERSTON.

Enclosure in No. 129.

Note to be presented by M. Mandeville to the Buenos Ayrean Government.

THE Undersigned, &c., has received Instructions to state to , &c., with reference to his Note of , that the Government of His Britannic Majesty regrets extremely, that the Government of Buenos Ayres, instead of assenting to a proposal so reasonable, and so much in conformity with their own professions, as that made by Great Britain, should have deemed it expedient to repeat again a proposition, which the British Government has already declared to be inadmissible.

The Undersigned is, however, again instructed to declare, that the British Government cannot mix up two matters, which are in their nature so distinct, as the Abolition of the Slave Trade, and a revision of Commercial Regulations; and His Majesty's Government hopes, that it will not be called upon again to state its fixed determination upon this point.

The Government of Buenos Ayres has urged, in Senor Arana's Note, as their chief reason for not concluding the proposed Slave Trade Convention, that to do so would be a virtual acknowledgment, that Buenos Ayres has not fulfilled the engagement, which it contracted by the 14th Article of the Treaty of 1825; that such an acknowledgment would be inconsistent with fact; and that new States ought to be particularly jealous of their reputation for good faith. Now His Majesty's Government denies the first of these propositions, and contends that the Convention in question, so far from being a virtual impeachment of the good faith of Buenos Ayres, would, on the contrary, be the most signal and indisputable proof of the good faith of that State; inasmuch as it would provide effectual means for the fulfilment of the engagement contracted in the above-mentioned Article of the Treaty of 1825; for, what is the substance of that Article?—It contains 2 engagements; first, that Buenos Ayres shall co-operate with His Britannic Majesty for the completion of the beneficent work of "*totally abolishing the Slave Trade*;" and secondly, that Buenos Ayres shall prohibit the trade within its own territory, and prevent all persons, inhabiting within its jurisdiction, from taking any share in such trade.

Now, these two engagements were obviously separate and distinct from each other; the first was general, the second particular; the first applicable to all parts of the world where Slave Trade is, or may be carried on; the second confined to the territory of Buenos Ayres, and to persons inhabiting therein. The first was an engagement to co-operate with England in *totally* abolishing the Slave Trade; that is to say, in endeavouring to abolish it all over the world. The second was an engagement to abolish it, by specific laws, within the dominions over which the Republic has and exercises jurisdiction.

Now, how stands the fact as to the second proposition of the Buenos Ayrean Government; namely, that it has faithfully executed the engagements contracted by the 14th Article?—His Majesty's Government is compelled, with infinite regret, to say, that these engagements have hitherto *not* been fulfilled.

The lesser engagement has indeed been executed; the greater one remains a dead letter. The Slave Trade has, it is true, been prohibited within the territory of Buenos Ayres, but no step whatever has been taken, by the Buenos Ayrean Government, "to co-operate with His Britannic Majesty for the *total abolition of the Slave Trade* in other parts of the world." No co-operation whatever has been afforded, by Buenos Ayres, for the accomplishment of that beneficent object, as the Treaty very justly describes it, although 12 years have elapsed since that Treaty was concluded. His Majesty's Government, therefore, concurring entirely, with that of Buenos Ayres, in the third of the above-mentioned propositions, namely, that it peculiarly behoves new States to be careful to establish, by their early dealings with other Powers, a high reputation for good faith, founds, upon this very maxim, its renewed appeal to the honour and justice of the Government of Buenos Ayres; and the Undersigned is instructed to press upon the consideration of the Argentine Government, that, when a solemn engagement of a Treaty has remained for 12 years entirely neglected and unexecuted, notwithstanding repeated applications for fulfilment, it is by carrying such engagement promptly and fully into effect, and not by refusing to act upon it, that a character for good faith can be established among the nations of the world.

The Convention, which the Undersigned has been instructed again to propose, contains in detail those mutual stipulations and arrangements, which will enable Great Britain and Buenos Ayres to co-operate for the total Abolition of the Slave Trade; and His Majesty's Government confidently hope, that, when the Government of Buenos Ayres shall have maturely weighed the considerations which have thus been submitted to their judgment, they will no longer hesitate to agree to that Convention.

No. 130.

Mr. Mandeville to Viscount Palmerston.—(Received August 22.)

MY LORD,

Buenos Ayres, 8th May, 1837.

I HAVE great satisfaction in being enabled to acquaint your Lordship, that the detention of the "*Eloisa*," a schooner-brig under Brazilian colours, mentioned in my Despatch, marked Slave Trade, of the 15th of July last, has terminated as honourably to this Government, with regard to its earnest desire to put down the Slave Trade in the Provinces of the Argentine Republic, as it is con-

formable to the spirit of the 14th Article of the Treaty between Great Britain and this country.

I have the honour to enclose a Copy of a Note from the Minister for Foreign Affairs, in which his Excellency transmits to me a certified Copy of the Decree issued by the Governor, with the Translations, founded upon the opinions of the Law Officers of the Government, Copies of which I enclose, by which the vessel, with every thing on board, has been confiscated. In consequence, however, of the offence having been only partly executed, the full severity of the law with regard to the persons concerned in the transaction (treating them as pirates) has been remitted; but the Owner, Don Manuel A. Ramos, has been warned, that the Government will most certainly inflict upon him the full penalty of the law in the case of his repeating the offence, and the Master and Mate of the vessel are prohibited for ever from commanding or navigating vessels in any port or river of the Argentine Republic.

The not least important part of the Decree is the order that it be inserted in the Archives of the Government, by which it becomes authority for similar sentences, should the Offence be repeated under future Governments.

The Brazilian Chargé d'Affaires has remonstrated against the Decree and against its execution, as not being in conformity with the existing laws of this country.

I have, &c.

(Signed)

H. MANDEVILLE.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 130.

(Translation.)

Senor Arana to Mr. Mandeville.

Buenos Ayres, 29th April, 1837.

THE Undersigned, Minister for Foreign Affairs, has the pleasure to transmit to his Excellency the Minister Plenipotentiary of His Britannic Majesty a certified Copy of the Decree issued by the Government, on the 25th instant, in the matter of the Brazilian brig "*Eloisa*," charged with being about to engage in the Slave Trade; along with the report of the Fiscal, and the judgment given by the Assessor, in accordance with which it (the Decree) is framed.

God preserve your Excellency many years.

(Signed)

FELIPE ARANA.

Second Enclosure in No. 130.

(Translation.)

Decree.

Buenos Ayres, 25th April, 1837.

HAVING seen the proceedings held upon the Case, as well as the opinion given by the Fiscal and the Assessor-General as to its merits, from which it appears that proof sufficient exists to show that the brig "*Eloisa*" had cleared out from this port for the purpose of engaging in the Slave Trade, under orders from her proprietor, Don Manuel Acevedo Ramos, and commanded respectively by Juan Cardoso de Souza, Captain, and José Alves de Silva, Mate; and upon due regard being paid to the circumstance of the offence, although commenced and partly executed, not having arrived at its point of consummation, in virtue of which consideration the Government is enabled to remit the full severity of the law, as far as regards the party mainly concerned and his accomplices; it declares the Brazilian brig "*Eloisa*," confiscated, along with all the specie, cargo, and other property, which, it appears, were intended to facilitate the attainment of the criminal object in view; a solemn warning at the same being given, as by these we give through the chief Notary of the Government to Don Manuel Acevedo Ramos, that the Government will most indubitably inflict upon him the full penalty awarded by the law in the case of his repeating the offence; as also to Juan Cardoso de Souza, and to the Mate, José Alves de Silva, who, in consideration of their participation in the crime, are hereby prohibited from exercising any employment in the vessels entering or proceeding from the port of Buenos Ayres, or in those employed in the coasting trade within the Capes of the river, or in the rivers of the interior of this Republic, it being likewise obligatory on Don Manuel Acevedo Ramos to furnish the cost of the stamped paper necessary for the transcription of the proceedings from the unstamped paper on which the report of them was previously drawn up; for the complete fulfilment of which the Notary is held responsible. And whereas his Excellency the Minister Plenipotentiary of His Britannic Majesty was the first to give information to the Government of the suspicions entertained by them, which information was afterwards repeated by the Chargé d'Affaires and Consul-General of Brazil, that the equipment of this vessel had for its object the perpetration of the offence in question, let a copy of this sentence be transmitted to each of these gentlemen, and with it a report of the Fiscal as well as of the opinion of the Assessor; and let similar copies be sent to the Captain of the Port for the effects they are intended to produce; and let publication be made of them in the journals of this city, and let insertion be made of them in the Official Register; and let the original reports of the proceedings be transmitted to the office of the Minister of Finance, in order that after the fulfilment of that which this Decree prescribes, and putting in then the due annotation of whatever

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shall take place for the fulfilment of the said object, these proceedings shall be sent to the Foreign Office, to remain in the archives of that department.

This is a true copy.

(Signed)
(Countersigned)

ROSAS.
FELIPE ARANA.

The Under Secretary for Foreign Affairs.

Third Enclosure in No. 130.

(Translation.)

Opinion of the Fiscal.

MOST EXCELLENT SIR,

Buenos Ayres, 16th August, 1836.

THE Fiscal (Attorney-General) acting in that capacity in the present Case, having re-examined these Documents, says, that after taking into consideration the results of the inquiry that has been recently instituted, and the declaration of the seaman, Eustogio Acesta, he can no longer doubt that the Brazilian brig "*Eloisa*," now lying in this port, is fitted out and was about to set sail for the Coast of Africa, for the purpose of engaging in the Slave Trade.

If, most excellent Sir, this abstract be examined with the attention due to the nature of the Case in question, it will very soon be perceived that even the evidence apparently of the least importance affords premises from which to draw conclusions of a nature not the most favourable to the vessel under detention.

Thus the seamen as well as the Pilot make an assertion, real or pretended, of their ignorance of the port whither, after leaving Montevideo, the vessel was bound, although, at the same time, their own number, as well as their pay, had been increased one-fourth, according to the declaration made by the Captain.

These seamen also declare that they had made an engagement to go to Montevideo, and thence to proceed on whatever voyage the proprietor should choose to despatch the vessel. Consequently, although these men do not actually say that the "*Eloisa*" was bound to the Coast of Africa, neither do they deny that such was her destination. But furthermore, of what nature must have been the voyage which it was intended this vessel should undertake, on leaving Montevideo, when her crew, and even her Mate, were unaware of it? Why so much mystery and silence if she had been bound to a port her voyage to which did not proceed from any unlawful motive; or, rather, whither she could have gone without difficulty? Why is it, if, as is asserted, her point of destination was the Cape of Good Hope, whither she was to have conveyed a cargo of mules and brought back one of wine, why is it that the seamen were engaged in such indefinite terms, namely, to go wherever the proprietor of the vessel should choose to send them? Could it be because the Captain was ignorant of the place of her destination? No, because he as well as her proprietor and Consignee, Acevedo Ramos, have declared that the brig was to have sailed for the Cape of Good Hope.

But enough of these reflections, when the most convincing and direct proofs exist to show that the vessel was bound to the Coast of Africa for the purpose of engaging in the Slave Trade. Depositions that have been made give evidence to this effect, and the two examinations that have been instituted confirm it with all the plenitude that the law requires. These examinations were made by 8 competent persons, the first 3 of whom declare their opinion that the additional or false deck, and the two depositories for provisions constructed in the vessel, could have served for no other purposes respectively, but those of conveying men in a sitting or lying posture, inasmuch as all slave-ships are furnished with a similar extra deck, and of containing provisions for a large number of human beings, and not forage for cattle. The examiners concluding by deposing that the wood-work found in the vessel is not, as the defence would have supposed, constructed for the purpose of conveying mules.

That the 5 persons who instituted the second examination expressed themselves in the same terms, declaring, in the most positive manner, that the vessel in question is not calculated for conveying mules, but on the contrary, that the additional carpenter's work with which she was fitted prove that she was intended for conveying negroes from the Coast of Africa; this opinion is corroborated by the Military Fiscal, a person also of intelligence in the 2 decisions given by him.

In elucidating their opinions the experienced individuals last named give the same assurances as those before mentioned, that the false deck constructed in the brig is of such dimensions as to be quite incalculated for conveying mules, or any other thing, but human beings alone; and that for the ventilation of the deck the gratings on the hatchways are such as are generally used and necessary for the conveyance of slaves; and that the 2 depositories for provisions can be for no other purpose but that of containing food for the consumption of human beings.

The said false deck as appears by the 2 examinations made, and especially from the latter of these 2, is only 4 Spanish feet high, from which circumstance it is evident that it does not form a place fit for mules. Its strength, besides, does not permit of such a burden, as the thickness of the deal planking of which this false deck is constructed is only 1 inch, and the beams of the same wood that support are only 3 inches in thickness, and placed at large intervals from each other, whereas for conveying mules the planking must be at least 2 inches thick, and the beams much nearer to each other, and much more solid. There are no preparations made on board which are indispensable for this kind of cargo, but on the contrary, everything is found which is necessary to convey a large emigration or gang of negroes.

Thus, that which in one part of the evidence is averred to be freight, is in the opinion of the experienced in these matters, in reality nothing else but provisions for the crew and the cargo of slaves which the vessel was to have received on board, which fact Don Pedro Augusto Vieira proves beyond a doubt. This individual who, in one part of the evidence, appears as one of the freighters, declares, that if any part of the cargo appears under his name it will most likely be that which he imported from Rio de Janeiro, which Ramos purchased of him, and transhipped on board the "*Eloisa*;" that he has no interest in the undertaking, nor in the vessel under detention, and adds that, if anything appears under his name, it is because Acevedo Ramos, owing to the multiplicity of his occupations, had entrusted him with some commissions to execute.

The fact likewise of the brig "*Eloisa*" being about to engage in the Slave Trade is fully proved by the number of water-pipes which she had on board, amounting to 80 or 90, the large quantity of wooden platters, medicines, gunpowder, guns, fetters, and other articles mentioned by the Surveyors, and more particularly the last.

In virtue of this evidence, and of that received by word of mouth from the aforesaid Fiscal, the present deponent gives it likewise as his opinion that the result of the proceedings fully proves that the Brazilian brig "*Eloisa*," now lying in this anchorage, was fitted out, and was about to sail for the Coast of Africa for the purpose of engaging in the Slave Trade, it was for this express end that the store-rooms, the additional or false deck, and other carpenters' work were constructed.

In the opinion of the Fiscal, this vessel comes under the provisions of the 1st Article of the Law of the 15th November, 1824, but the Proprietor, the Captain, and the crew, may be held as coming under the provisions of the 2d Article. On this point, however, there may be some doubt. But the deponent thinks that without doing violence to the Law they may be made to come under the provisions of the said Article, and in that case they are amenable to the Second Law of 13th Chapter of the Third Book of the Code of the Indies. But since, however, a distinction is to be drawn between the equipment of the vessel and the commission of the crime, as this latter on the one hand consists in the act of loading the vessel with negroes on the Coast of Africa, whilst in the case in question, nothing has been done but equipping the vessel, the Fiscal is of opinion that the provisions of the 14th Article of the Treaty of the 2d February, 1825, will be fulfilled, and the crime meditated sufficiently punished, by the confiscation of the vessel and of its cargo, in accordance with the provisions of the Supreme Decree of the 15th May, 1812; which confiscation, in the opinion of the Fiscal, is to be classed amongst the particular exceptions made in the 2d Article of the Supreme Decree of the 20th May, 1835. This is the opinion of the Fiscal, notwithstanding which your Excellency will determine whatever appears to you most just and proper.

(Signed) LUCAS G. PENA.

A true Copy.

(Signed) MANUEL DE YRIGOYEN.
The Under Secretary for Foreign Affairs.

Fourth Enclosure in No. 130.

(Translation.)

Opinion of the Assessor.

THE Assessor, after having perused with mature consideration the process in this cause, is under the conviction that he ought not to confine himself merely to the proposal of measures which in his judgment the merits of the case demand, but, moreover, inasmuch as may be possible, analyze the contest of the proceedings therein, and deduce therefrom, or rather found on that analysis a legal opinion on a cause in which not only private interests are deeply concerned, but the just administration and observance of the Laws also; to this end he will detail the history of this affair in a few words, consider the legal bearing of the proceedings already entered on, and will conclude by proposing such a sentence as may be most in consonance with the existing Laws.

The brig "*Eloisa*," had cleared out, and demanded to be visited, in order to make sail from this port, when she was detained by a Government order, the Authorities having received information which induced them to suspect that this same brig was bound to the Coast of Africa on a slaving adventure, which traffic our Laws expressly prohibit under the severest penalties. Under these circumstances an investigation having been instituted the result has been:—

1st. That the Captain of the vessel (see folio 2) and the Mate (see folio 4), as also the Boatswain (see folio 5), are substantially in unison as to the destination of the brig "*Eloisa*" hence being Monte Video; and although the second of the above-mentioned persons does not declare the exact point at which the vessel was first to touch, nevertheless his Declaration does not contradict the others, with which, as likewise with the Declaration of the seamen, see folio 6, over folio 8, 9, 10, 11, 12, over folio 14, 15, over folio 19, 20.

2dly. That according to the Declaration of the Captain in the folio before cited, the brig was to sail from Monte Video, with or without cargo, in the direction of the Cape of Good Hope, to load wines if she could meet with a freight, or to sail for any other port if she could find freight in Monte Video. To this it should be added that, during the demurrage of this vessel in the port of Buenos Ayres, she had had carpenter's work done, necessary to prepare her for the voyage on which she was destined. The Mate appears to be ignorant as to where the vessel was destined for after her arrival in Monte Video, but the Boatswain asserts that from Monte Video she was to sail for the Cape of Good Hope.

The seamen, with the exception of the one who declares (folio 9), appears to have been ignorant as to this matter; but he heard the same as the boatswain declares, with exception, likewise, of the one who gave his declaration (folio 13 and next page), who declares that on her arrival at Monte Video he intended to leave her, as he did not like to go on a voyage to any part of the Coast of Africa, since he had heard that the vessel was destined for a slaving adventure.

3d. That, according to the declarations (folio 21 and following, folio 27, 32, and folio 87) by the first (that of Serjeant-Major Don Francisco Segui), it appears that all the fittings-up and preparations made on board the brig "*Eloisa*" indicate that she was destined for the Coast of Africa; that the planks numbered which were found in the hold were to build a between-deck of from 4½ to 5 feet under the main deck, which between-deck could not serve for the transportation of mules, inasmuch as it would be too low, and moreover the planks were only one inch in thickness. By the third declaration (that of George Goodwin) it is stated that, in conversations which had passed between the deponent and the carpenter who executed the work on board the vessel, they had spoken about the voyage of this vessel to the Coast of Africa, which likewise he had heard the sailors of the whale-boats speak of. By the fourth declaration (that of José Acosta, seaman), it appears that in a like conversation between the deponent and the crew of the vessel, he had heard them assert that she was destined for the Coast of Africa for the purpose of obtaining slaves, and moreover that he had put on board the "*Eloisa*" 10 or 11 bags of money, with 11 or 12 pair of fetters. By the fifth declaration (that of Eustoquio Acosta, seaman on board the "*Eloisa*"), that he had disembarked from that vessel the moment he knew that she was destined for the Coast of Africa in search of negroes, according to what he had been told by another seaman, who likewise left the vessel for the same reason, and went to Rio de Janeiro. Besides which, a third seaman left the vessel from the same motive, who subsequently went to North America.

4th. That, according to the surveys held by skilful men on the carpenter's work done on board the vessel (folios 58 and 84), it appears that the false deck or planks of the between-deck could not serve

for the conveyance of mules, nor for any other heavy cargo; that it is constructed for conveying men either sitting or lying down; and that all the work denotes that it has no other object than to bring slaves from the Coast of Africa, or transport a considerable number of emigrants, as it is fitted up in the customary manner of all such vessels as are destined for such purposes.

Moreover, the Proprietor of the brig "*Eloisa*," Don Manuel Acevedo Ramos, being interrogated upon the different points which gave rise to the investigation, he declared (folio 82 and following), 1st. That the vessel was bound for Monte Video to take in mules for the Cape of Good Hope. 2dly. That for this purpose the money she had on board was to be appropriated; and that she was consigned to Don Manuel Gonzalez da Costa at Monte Video. 3rdly. That the other goods she had on board were to be sold at Monte Video, or, if sales were not effected there, at the Cape. 4th. That the fitting-up of the vessel was for stowing the hay for the mules, which was to be put on board at Monte Video; and that the planking which was on board unworked was intended for stalls for the mules.

Such, your Excellency, is substantially the review of this affair; and, under this supposition, the Assessor will pass on to the investigation of the legal bearings of the proceedings, so far as they had yet been advanced, in order consecutively to found thereon his opinion as to the sentence eventually to be pronounced.

In the first place, it is necessary to bear in mind that this affair is one of a nature that presents many difficulties in the progress of its development; and, therefore, it may be, and ought to be, considered as one difficult of proof. Here we are not discussing an act publicly executed, so that all that has been done, and every circumstance connected therewith, presents a new proof as to the fact which was finally intended to be perpetrated; neither are we to treat on a matter which, through the whole chain and connected series of its progress, from the first moment it was conceived until its final consummation, has left certain and unequivocal vestiges of its existence. No, Sir, we are treating as to an affair which, from the very nature of the circumstances connected with it, required all that caution and reserve which its criminality rendered necessary, as well as all the deceit which has been practised, without which it would be impossible to carry such a measure into effect in the face of a Government jealous of the observance of its laws, and vigilant in foreseeing and chastising crimes. We have here to treat upon an act contemplated, and partially executed, but not finally consummated; so that it would be apparent, and leave no doubt as to its reality. Taking this view of the affair, the Assessor reiterates that, in order to form a just conclusion as to the truth, and a full and rational conception on the validity of the facts, or (more properly speaking) as to the true intentions which animated the Owner of the vessel in respect to her final destination; that it is not only unnecessary, but, in fact, it would be indiscreet, to look for the plenitude of proof attainable in other more evident and palpable cases; the value of the proofs must be estimated not only on their own intrinsic merit, but likewise in the ratio they bear to the object, and from the greater or less difficulty there may be in proving that object, and in proportion as a true knowledge of the fact is more or less attainable. Natural conclusions, nay, even forced conclusions, with respect to an act which has scarcely passed the boundaries of the intention of the perpetrator (who, on the other hand, must be considered of necessity interested in its concealment), may be deduced, producing proof and testimonial evidence as clear, decisive, and free from error in some cases, and perchance even more so, notwithstanding that the latter is of right conceived as full and satisfactory; inasmuch as the latter is subject to the fallibility and falsehood of witnesses, whilst the former are not susceptible to the effects of the passions which so frequently lead us into error, and, therefore, they are preferable, and more particularly so when other collateral circumstances concur to guide the judgment, and form a criterion from sufficient data on which to found that judgment.

These antecedents being established, the Assessor does not hesitate to assert that the object of the voyage on which this vessel was bound, was absolutely that which induced the Government to order her detention, and to institute the inquiry which has taken place. The Assessor will make some observations thereon, which arise out of the merits of the case, in the process.

First observation.—The brig "*Eloisa*" has been a long time in this port preparing to go on a particular voyage, for which purpose carpenter's work has been done on board her, which could only be appropriate for a particular object. This work having been completed, and the cargo she was to carry shipped on board her, and having cleared at the Custom-house, the visit of the Port Officer was solicited in the very act when the vessel was about to get under weigh. Could any man of moderate capacity persuade himself that the Captain, the Mate, the Boatswain, and the seamen were all ignorant of her destination? If the vessel was bound on a fair adventure, for instance, to load mules, can it be presumed that these persons, and more particularly the three first, should, up to the last moment, be ignorant on the matter? Is it to be presumed that the Captain and the rest did not know for what purpose such costly carpenter's work was done, and how such work could be applicable for a cargo of mules, as Acevedo Ramos has asserted it was, and being ignorant as to its use, would they not at least ask the Proprietor, with whom they must have held frequent and confidential communication, without his having any repugnance to inform them on the matter, inasmuch as the intended voyage was a licit one? No, Sir, this is not to be presumed; it is improbable, nay, it may be said impossible to have happened, since it is at variance with the natural course of things, which, in sound reason and just equilibrium, must necessarily follow what ordinarily happens, and what naturally should happen. Acevedo Ramos states that it is not at all strange that these individuals should be ignorant of the destination of the vessel, as he had not given his final instructions; but, allowing this ultimate assertion to be true, still the arguments in proposition are in effect, since rationally it would not occur to any one that such letter had until then been delayed, and that the vessel shall be under way before they knew where she was bound, as if, forsooth, it was a matter of state and of great reserve.

In the mean time the Captain is not only ignorant as to the cargo of mules, but he asserts that the vessel was bound to the Cape of Good Hope to load wine, as likewise it appears that other individuals in the vessel have made the same assertion; moreover, the Captain assures us that the brig was to take in cargo in Montevideo if any offered, and, if not, if any other cargo could be got for any other port besides the Cape, that he would in that case alter his course. This is what the Captain says, and this is in contradiction to what the proprietor says, who despatched the vessel on a special mission, for which he had made special preparations on board the vessel to aid the object she was finally destined to. Well, and what was this final object? Not for the cargo which she was to receive in Montevideo, the nature of which was yet uncertain, but the carpenter's preparations had a specific and defined

object, and for a certain freight. Not that of wines from the Cape, for why? Because this being likewise uncertain, the vessel might alter her destination to any other port in case any other freight offered. It has been seen that by the surveys made, and it must be evident to the view of any one, that to load wines it is not customary to construct a between-deck with pine plank only, 1 inch in thickness, since pipes and barrels can be stowed in the hold, and, on the other hand, the planks cannot resist the weight.

Observation the second.—The several master surveyors who have examined the work, as well as the Carpenter who executed it, assert that the construction could not be intended for a mule cargo. 1st. Because deal planking, of 1 inch thickness, would not support the weight of the mules. 2d. That the height between the decks is not sufficient to allow the mules to stand up. 3d. Because the fitting-up is very distinct in a vessel destined for the purpose Ramos has designated. Thus all are agreed that these fittings-up could have no other end than the one indicated—viz. the bringing of slaves from the Coast of Africa.

Observation the third.—This last belief as to the destination of the vessel is confirmed thus: 1st. The assertions of the witnesses who have deposed on the matter, which assertions have not been answered by the Proprietor, the Captain, the Mate, or any others interested in the vessel, inasmuch as this being a charge against them they have stood in need of seeking out for new and irrelevant proof to get rid of the responsibility which they are under. 2d. The effects found on board the vessel, and, in truth, for what other purpose could the fetters have been sent on board? (according to the declaration, folio 32), as also the 80 to 90 empty pipes for water, the considerable number of wooden platters, medicines, powder, mandioca, pieces of baize, money, rice, beans, and other provisions, in great abundance? Let us imagine a vessel was to be fitted out for a voyage to the Coast of Africa for slaves, and most assuredly more could not be done than Ramos has done on board the brig "*Eloisa*," whilst for an expedition to the Cape of Good Hope to carry a mule cargo, neither fetters the medicines, the baize, the under deck, nor the remainder of the cargo she had on board would have been of any service. It is true it has been asserted that these effects did not belong to the vessel, that it was on freight; but this answer only comes in corroboration of the falsehood with respect to Ramos and the other accomplices in the adventure. In effect, Don Pedro Augustin Vieza, whom they had represented (folio 42) as the shipper of some of the goods, has declared (folio 31) that he is not the shipper, and that if any of the cargo appears under his name it must be such as he had introduced from the Port of Rio de Janeiro, and which he sold to Acevedo Ramos, who transhipped it on board the "*Eloisa*."

The Assessor refrains from making further observations, in order to avoid wearying your Excellency by repeating that which has been fully and demonstratively laid down (folio 45 to 47). There your Excellency will see new and not less vigorous arguments, which can and ought to be as so many forcible indications which lead to the formation of, and do form the sure foundation on which the Assessor has founded his conjectures as to the destination of the brig "*Eloisa*." He will add only, that if the Commander, who was ordered to commence this inquiry, had interrogated the Proprietor, in his first declaration, upon his correspondence with his consignee at Montevideo, as respects the purchase of the mules, it is almost certain that he would not have given the answer which he gave in the second declaration, in the which, without eluding the argument at that time, the question which still subsists would have been put opportunely, "Why did he not at that time present those Letters which he now presents, when they would have been conclusive, but which at present has no weight in his favour, since he has had more than sufficient time to provide himself with these Letters after he knew that the Assessor had demanded them, which he did 2 months before they were required from him the Proprietor?"

The Assessor will now proceed to state the decision which, of consequence, it will be expedient to come to with respect to this affair, before which, however, it will be indispensably requisite that he should make some observations.

Crimes must be considered in three distinct ways, that is to say, "either as merely intended; as intended and advanced in execution, but not consummated; or as carried into effect and finally consummated." They are thus classed in the 2d Law, 31st title, page 7:—The Assessor will subdivide the two first classes; because he considers that they ought to be subdivided, first, into intentions merely, but not put forth for execution, although thwarted therein against the will of the intentionist be unforeseen occurrence or the will of another; into intentions not carried into execution by voluntary intentions on the part of the intentionist; into intentions progressing in execution, but not consummated through the voluntary delay of the intentionist, but returning subsequently to its consummation; and into intentions progressing into execution, but not consummated, through the interference of some party which impedes the consummation of the crime against the will of the intentionist. This distinction is extremely essential; and, although it is not forewarned by the law, the Assessor thinks not only that it is not contrary to the spirit of the law but that it is in conformity with the letter and the spirit. Under this proposition he will enter upon the discussion:—1. Crimes merely intended but not carried into effect by the will of the intentionist, he having retracted from the execution of them; such crimes according to the law "*de Partida*," before cited, ought not to be chastised. "Wicked thoughts," says the law, "present themselves under many shapes to the human heart, and frequently so that they confirm themselves, and men think to bring them into action; but, in their progress, they find that they are doing evil and repent:" and on this account we say, that any man who repents of an evil thought or design, and, previously to carrying that design into execution, repents thereof, does not merit punishment for such evil design; because the first impulse of the will is not in the power of man. 2. Crimes merely intended and not put into execution, contrary to the will of the intentionist by the interference of some unforeseen cause or some opposite will. These crimes, according to the judgment of the Assessor, do not bear an analogy to the former, although both the one and the other are mere intentions. Nor are the latter such as the law comprehends, that is, under those first movements or impressions of the will which are not in the power of man; because, in this second case, we treat of intentions which have not been repented of posteriorly, and which, if they have not been carried into execution, it has been because some superior force has impeded the will of the intentionist, from executing it. And as such intentions, according to the rules of morality and in consonance with our conscientious feelings, are to be judged as illicit and criminal, they cannot be reputed to be otherwise by the civil law; for, although the civil authority only judges of acts and not of mere intentions, this limitation is founded on the moral impossibility there exists, generally speaking, to discover these intentions, and to judge with accuracy of them; but this reasoning goes

no further, nor is it a consequence when it is evident that the intentions of themselves existed, and that they have not been carried into effect in accordance with the will. The intentionist had to do so solely because some other will interposed, thus it does not follow that the intentionist should be exempt from prosecution and chastisement; viz. A man shall form the design of murdering another. He communicates that design to two friends; he will not listen to the advice of these friends; that he fixes the day, the place, and the means where and when; he remains firm to execute his purpose; and he does not succeed in the accomplishment of his design (against his own inclination), because those same two friends, before he can bring his purpose to bear, who have been unsuccessful in their attempts to persuade him to desist from his intention, agree to shut him up, and give information to the authorities of the motives which induced him to act in this manner. Such a man in the opinion of the Assessor is an absolute criminal, and ought to be chastised by the authorities, with a proportionate penalty, which shall render it impossible that this man shall at any future time consummate the intended crime.—3. Crimes intended and carried into execution, but not consummated through the will of the intentionist, but he returning consecutively to its consummation. This class of crime, as well as such crimes as embrace the opposite extreme of the second classification; that is to say, crimes progressing towards execution but not consummated, contrary to the will of the intentionist, because of the interference of some unforeseen cause which impeded their consummation; the Assessor repeats that this class of crimes, relative to which there is no special distinction made in the before-cited law, it appears, ought to be visited with the same penalty which the laws assign to crime perpetrated: as to consummation, the law says, "If after the crime is intended, efforts are made to consummate it by commencing the execution of it although it should not be altogether accomplished, then shall the intentionist be guilty, and merit the penalty in proportion to the error committed, inasmuch as the intentionist erred in that he did that which he had the power to guard against doing, if he had chosen so to do. As thus; suppose a person shall have designed to commit treason against the person of the King, and afterwards take steps towards putting his design into execution; thus by communicating his design to others to induce them to become his accomplices in that treason which he had designed, by administering an oath to them, by binding them in written contract, or by commencing to put his design into execution in any other such like manner, although it should not finally be consummated; in like manner if a person should design to commit murder, and, following up such evil design, should take steps to put it into execution, having prepared poison to be given in some liquid drink, or have taken a poniard, knife, or any other unsheathed weapon, and openly attacking his intended victim for the purpose of slaying him, or being thus armed, wounding him in some part to cause his death, or endeavouring to murder him in any other manner similar to these, or commencing so to do, although the design should not be accomplished, he nevertheless merits punishment, as if he had accomplished the act, since he would not have failed to accomplish it if he could have done so." Nevertheless the Assessor maintains, and he moreover believes that he maintains, the spirit of the law, by making a distinction, in such cases, between him who desists from the consummation of his design of his own accord, and him who persists in his design, although, from unforeseen interference, he is impeded in its consummation. No one will doubt that, in a moral view, there is no equality of intensity between the one and the other case, and therefore there is no equality of criminality, either in a moral or civil view, when one person only designs an act and subsequently desists from its completion of his own free will, and when he desists from having been impeded in the execution of his design; it would appear that the identity of this distinction concurs to fix an equal difference in the case with which we are engaged; on the other hand, this view is not in contradiction to, but is rather in conformity with, the acknowledged intent of the legislator. Thus the fact stands, that he who designed to slay another, and commenced to put that design into execution, although he did not accomplish the deed, merits his punishment equally as much as if he had consummated the act; since it is clear that he would not have failed to perpetrate the act had he been able to consummate it. Of consequence, if a person desists from the consummation of a design, that is to say, if he desists from his own free will from committing the crime he designed, then is the law defective, since there is a voluntary and involuntary relinquishment; and in so far as the law is defective, its administration should, in like manner, be attenuated according to the circumstances of the case.

The Assessor believes that when the time arrives that the law should be applied, the person entrusted with the august administration ought not to forget that laws, and the penalties which they establish, have been dictated in consonance with the proportions in crime, and if it be impossible for the Legislator at all times to define these due proportions under all the circumstances under which crimes are committed, so it must be impossible to fix special and determinate punishment for manifold and indeterminate crime; viz., (as the law of Partida says,) "laws ought not to be framed but upon cases which occur frequently, and for this reason the ancients took no care to make laws for cases of rare occurrence, as they held that they could judge such cases by some other case analogous thereto." The Assessor repeats, that, bearing in mind the principle of proportion, which is the measure of the law, it is evident that it is the duty of the Magistrate to weigh well with the balance of justice, and with the aid of prudence, the circumstances of cases, and the more or less influence of the will of the delinquent over what he does and what he leaves undone, or in fact the more or less importance, gravity, and transcendence, of what he actually executes, endeavouring thus to proportion in accordance with the greater or less distance there may be between the design to commit the crime and its consummation, between the crime and the means adopted to commit it. The Assessor has thus defined the ultimate extreme of the second classification, and will proceed with his first proposition without detaining himself to treat on it specially.

With respect to the third class of crimes consummated, it is unnecessary to discuss this point particularly, because the import of the consummation of crime, or perpetration thereof, until such time as the object has been accomplished to the satisfaction of the malevolent intent of the person committing it, is well known and defined.

These preceding observations concluded, it becomes the duty of the Assessor to give his opinion as to the sentence which ought to be pronounced in the Case in question,—that is to say,—as to the punishment which your Excellency ought to inflict on a person who has been convicted of a crime which our laws chastise severely, and for this purpose it will be indispensable to examine the said crime in its respective and proper class, in conformity with the rules before laid down, commencing by referring to two antecedents; first, that the traffic in negroes from the Coast of Africa is a crime.

inasmuch as it is an act which the laws of the country reprobate, prohibit, and chastise; secondly, that the brig "*Eloisa*" was bound on an adventure to that coast for that traffic, as appears by the process which the Assessor has already taken under his consideration.

The crime of which we treat is not merely one of intent; no, Sir, it is somewhat more, for it had progressed towards its consummation. Your Excellency will observe, by the proofs which exist in the process, that this illicit design had been carried into effect by the carpenter's work in fitting the vessel up for the security or accommodation of the slaves, or men to be purchased in Africa; by the necessary provisions shipped on board her for the subsistence and maintenance of the said men, and the money indispensable for their purchase; in fact, by the increase of the number of the crew of the brig, and the augmentation in the wages of the crew by contracts which might guarantee the success of the enterprise. All these acts, without which the crime could not have been consummated, are so many steps taken to its accomplishment, and removes it from the class of a mere national crime and converts it into a crime not only designed to be perpetrated, but progressing towards its consummation. On this head the law is thus laid down: "As if any one has designed to commit treason, and subsequently in any way commences to put his design into execution by communicating it to other parties, and endeavouring to make them accomplices in the act, administering an oath, or binding them by written contract, or in any other manner endeavouring to carry his design into execution, he is guilty of treason, although the act be not finally consummated."

The present Case is therefore a crime designed and partially executed. But we can assert further. That it is a crime, the consummation of which has been relinquished, not of the will of the intentionist, but against the will and by the reason of the zealous and prompt measures taken by your Excellency. In effect it has been demonstrated that the vessel was ready to weigh anchor and sail from our port with every necessary preparation for the adventure; and in the very act of making sail (for the port visit had been demanded), she was detained and embargoed by authority. So that it cannot be argued that the repentance of the intentionist had any part in the non-consummation of the crime, but on the contrary it was against his will, proved to be so by all his previous acts to the instant in which he was impeded in its execution and full completion, after the manner that a criminal is prevented from committing homicide against his will when he is arrested and disarmed when in pursuit of his intended victim.

This, your Excellency, is the exact state of the Case before us, and the Assessor, bearing in mind the laws which touch upon it, recommends (as it is his duty to recommend) the application of the punishment which the law directs to the criminal or criminals.

The Decree bearing date the 15th May, 1812, prohibits the introduction of slave cargoes from the national territory from one year after that date, and it orders that after the expiration of that year all vessels carrying slaves which should appear on our coasts should be confiscated, and the negroes set at liberty.

The Law of the 15th November, 1824, declares the traffic in negroes from the Coast of Africa to be piracy, and orders that any citizen of this province who should, after the publication of this Law, engage themselves in this traffic in negroes, shall be punished as pirates. Lastly, the 14th Article of the Treaty of Commerce, Navigation, and Friendship, concluded between the Government of Buenos Ayres, charged with the direction of the foreign affairs of the Republic, and his Britannic Majesty, binds both the contracting parties to the total abolition of the commerce in slaves, prohibiting in the most positive manner all persons resident in the national territory, or subject to its jurisdiction, from taking any part whatsoever in such traffic.

The Assessor cannot consider as a matter of question what the law of the 15th November, 1824, lays down, that although that law refers especially to the citizens of the Republic, yet it is applicable to such as are not citizens, but nevertheless reside in the Republic, and as subject to the laws and obligations which affect the citizens thereof, since they participate in the privileges which the said citizens enjoy. The first duty of a foreigner when he puts his foot on any territory, and most especially when he domiciliates himself in it, and constitutes himself a subject of the Government (in which light Acevedo Ramos must be considered) according to right, is to respect and obey the laws of the country wherein he resides, under the understanding that any infraction makes him a criminal, and subject to the punishment the laws inflict, and to suffer whatsoever penalty the native citizen is subject to.

In the Case before us, your Excellency, there has been a crime committed, and it has been seen to have been partially carried into effect, but the crime has not been consummated, and although the law chastises with equal punishment the person who stands in this Case and did not consummate the crime, but he would have consummated it if he could have done so, as has been shown to have happened, yet the Assessor has observed that it is in conformity with the laws, and with the spirit of jurisprudence, as it is likewise in conformity with reason and justice, that the degrees of punishment should be proportionate to the crime, and that this graduation of proceeding should follow from the first intent to commit the crime until its final consummation. Would there be any essential difference between this adventure of Acevedo Ramos, considering it at the time when the vessel was embargoed, and on the very point of sailing, and the state of the Case if the "*Eloisa*" had been taken at sea after she had purchased the negroes and got them on board? No doubt but what there would be, since in the latter case the evil intent would have been consummated, and the crime perpetrated in all its intensity, whilst in the first case there has been not only no consummation, but there exists a possibility of a spontaneous repentance, which, in accordance with both the spirit of the laws and sound reasoning, greatly attenuate the gravity of the crime. It is true that such repentance must be considered as remote, taking into consideration the circumstances of the Case, and this aggravates the responsibility of Acevedo, but it was not impossible that such might have been the case, and above all the evil intent had not arrived at its ultimate pass. This, therefore, tempers the rigour of the laws.

These considerations induce the Assessor to counsel your Excellency, that your Excellency may be pleased (it being in conformity with the laws cited) to declare—1. That the brig "*Eloisa*" and her cargo, consisting of money and goods destined to have been employed in the prohibited commerce in slaves, "to be confiscated." 2. That inasmuch as that the crime was not consummated, notwithstanding the evident free and decided intention of the owner, when we take into consideration the import of the aforementioned confiscation, the said Ramos and his accomplices are not to be considered as convicted to the full extent of the crime, or liable to the full extent of punishment which the law inflicts when the crime is considered as designed, perpetrated, and consummated.

3. That the principal Notary of the Government do reprehend the said Acevedo Ramos in the most solemn manner, admonishing him of his heinous and criminal conduct, giving him to understand that the Government will henceforth be inexorable in the execution of the utmost rigour of the law should he at any future time become alike culpable. 4. That the like reprehension and admonition be given to the Captain of the vessel, the mate, and their accomplices in crime. 5. That in just chastisement of their having abetted the crime, and of the evil purpose to which they have devoted a scientific profession, they shall henceforth be prohibited from exercising that profession either in the vessels which enter or sail from our port, or in the vessels which are employed therein, and that the Commander of the port be advertised of that prohibition. 6. That Ramos shall be compelled to supply stamps for all the documents which appear in the Process on unstamped paper, and that these stamped papers previously having been rendered useless for future writings, be then annexed to this process. 7. That for the satisfaction of the injured public, to repress the perpetration of crimes of a like nature, and that the fidelity of the Government in complying with, and making the laws to be fulfilled (not only the laws, but every compromise of every nature to which it is pledged) may be public and notorious, let the sentence of the supreme authority be published, and moreover let it be officially communicated to his Excellency the Minister Plenipotentiary of His Britannic Majesty, in compliance with the Treaty before cited, and likewise to the Chargé des Affaires of His Majesty the Emperor of Brazil, under whose flag the "*Eloisa*" sailed.

Such, your Excellency is the Counsel of the Assessor; nevertheless your Excellency will decree as may best accord with your supreme judgment.

Buenos Ayres, March 15th, 1837.

(Signed)

LAHITTE.

No. 131.

Viscount Palmerston to Mr. Mandeville.

SIR,

Foreign Office, 24th October 1837.

I have to acknowledge the receipt of your Despatch, marked "Slave Trade," of the 8th of May last, stating, that the result of the examination of the Brazilian schooner-brig, "*Eloisa*," has been, that she was declared to be equipped for Slave Trade, and was consequently, together with everything on board of her, confiscated. I have to instruct you to express to the Minister for Foreign Affairs of the Argentine Republic the satisfaction, with which Her Majesty's Government has received the intelligence of this act of justice and vigour.

I have, &c.

(Signed)

PALMERSTON.

*To Mr. Mandeville,
&c. &c. &c.*

No. 132.

Mr. Mandeville to Viscount Palmerston.—(Received November 16, 1837.)

MY LORD,

Buenos Ayres, 16th August, 1837.

I have the honour to acknowledge the receipt of your Lordship's Despatch, marked "Slave Trade," of 10th June last, transmitting to me the draft of a Note, which I am to present to the Buenos Ayrean Government, should that Government adhere to the determination announced in their "Note verbale," regardless of the arguments which, by the instructions contained in your Lordship's previous Despatch, I was enabled to bring forward, to induce them to rescind their resolution not to conclude a Convention for the suppression of the Slave Trade unless it be accompanied by a revision of the Treaty of 1825.

I have very slight hopes, that the disposition of the present Government of Buenos Ayres will obviate the necessity of my bringing the question again to their notice in the manner indicated in your Lordship's Despatch, which I shall not fail to do, when my further attempt to obtain a more favourable decision on their part shall have proved fruitless.

I have, &c.

(Signed)

H. MANDEVILLE.

*To the Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.*

CHILI.

No. 133.

Mr. Walpole to Viscount Palmerston.—(Received August 24.)

MY LORD,

Santiago, 20th April, 1837.

I HAD the honour to receive, on the 28th ultimo, your Lordship's Despatch marked "Slave Trade," dated November 30, of the last year, containing Instructions to proceed with due diligence to the conclusion of a Treaty between His Majesty and this Republic for the abolition of the Slave Trade.

I accordingly lost no time in communicating with the Minister of State on the subject, who demonstrated by his expressions every wish to enter on the consideration of the several Articles of that Treaty.

The negotiation and the perusal of the articles was commenced on the 5th instant, but I regret that the illness and subsequent journey of the Minister (under whose control are united the department of the exterior, of the interior, and of war and marine,) to Valparaiso, to superintend the final arrangements for the departure of the expedition destined against Peru, have delayed, though I should hope for no long period, the further consideration of this matter.

I shall not fail to propose its resumption at the earliest moment.

I have, &c.

(Signed)

JOHN WALPOLE,

The Right Hon. Viscount Palmerston, G. C. B.

Consul General.

&c.

&c.

&c.

No. 134.

Mr. Walpole to Viscount Palmerston.—(Received November 22.)

MY LORD,

Santiago, 11th June, 1837.

I HAVE the honour to acknowledge the receipt of a Circular Letter, dated January 27, last, covering a Decree issued at Lisbon on the 10th of December, 1836, for the abolition of the Slave Trade throughout the Portuguese dominions.

I have, &c.

(Signed)

JOHN WALPOLE,

The Right Hon. Viscount Palmerston, G. C. B.

Consul General.

&c.

&c.

&c.

NEW GRENADA.

No. 185.

Mr. Turner to Viscount Palmerston.—(Received September 1.)

MY LORD,

Bogotá, 25th May, 1837.

I HAVE the honour to acknowledge the receipt, on the 3d instant, of your Lordship's Slave Trade Circular of the 27th January last, inclosing to me the translation of a Decree issued at Lisbon on the 10th December last, for the abolition of the Slave Trade throughout the Portuguese dominions.

I have, &c.

(Signed)

W. TURNER.

The Right. Hon. Viscount Palmerston, G. C. B.

&c.

&c.

&c.

MEXICO.

No. 136.

Mr. Pakenham to Viscount Palmerston.—(Received April 29.)

MY LORD,

Mexico, 4th March, 1837.

THE Minister of War has communicated to me the declaration of the captain of a Mexican trading vessel, lately arrived at Vera Cruz from the Havana, stating that, two days before he sailed from that port, he had seen an American schooner put to sea, with a cargo of forty slaves, bound for Texas.

Without being prepared to vouch for the veracity of this declaration, I have, nevertheless, thought it right to transmit it to His Majesty's Commissioners at the Havana; and also to His Majesty's Minister at Washington, in order that he may, if he should think proper, direct the attention of the Government of the United States to the abuse said to have been committed under their flag, with a view to measures being taken to prevent a repetition of it.

I have, &c.

(Signed)

R. PAKENHAM.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 137.

Mr. Pakenham to Viscount Palmerston.

MY LORD,

Mexico, 25th April, 1837.

I HAVE the honour herewith to lay before your Lordship a Treaty, which, in fulfilment of the instructions contained in your Lordship's Despatch of the 13th November, 1835, and 14th December, 1836, I have concluded with the Mexican Government, for the effectual prevention of the trade in slaves by the citizens of this Republic.

I humbly hope that it may meet with His Majesty's gracious approbation.

I have, &c.

(Signed)

R. PAKENHAM.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 138.

Mr. Ashburnham to Viscount Palmerston.—(Received May 19.)

MY LORD,

Mexico, 1st May, 1837.

I HAVE the honour to enclose to your Lordship the copy of a letter addressed to Mr. Pakenham by His Majesty's Commissioners at Havana, in reply to his communication to them of the information which formed the subject of his Despatch to your Lordship of 4th March last, marked Slave Trade, relative to the cargo of slaves shipped at that port on board an American schooner bound for Texas.

I have, &c.

(Signed)

C. ASHBURNHAM.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 138.

His Majesty's Commissioners at the Havana to Mr. Pakenham.

SIR,

Havana, 4th April, 1837.

We have the honour to acknowledge the receipt of your letter of the 4th ultimo, acquainting us "that the Master of a Mexican vessel which left the Havana on or about the 7th of February, and arrived at Vera Cruz on the 14th, has stated on oath that, at the beginning of the same month, an American schooner left the Havana, destined for 'Texas, having on board a cargo of 40 negro slaves."

We are extremely obliged by your having furnished us with the above particulars relative to the prosecution of a traffic upon which we have already fruitlessly made the made the strongest remonstrances with this local Government, and which it has always contumeliously denied.

We lost no time in forwarding to the Captain General an official note upon the subject, and it will give us great pleasure if, by the next packet, we can make known to you any favourable result.

We cannot flatter ourselves with a hope that the representations of Your Excellency through His Majesty's Minister at Washington, relative to this branch of the Slave Trade being carried on under the American flag will meet with its due regard; for, a few months since, we communicated officially to the American Consul here a clear and well-authenticated statement containing the names of several vessels, the ports in the United States which they came from to the Havana, the names of their Masters (Americans) of the shippers of their cargoes, and the fact that they sailed from Havana under American colours for the coast of Africa, fully equipped, for the avowed purpose of carrying on the Slave Trade. Yet this functionary, acting, we believe, under the orders of his Government, returned our communication, and stated to us that he would not receive any further information whatsoever on the subject of the Slave Trade, either as regarded American citizens, or the use of the American flag.

The consequence has been, to revive the hopes, and augment the enterprises of the slave dealers; and we may confidently assert that there are now upwards of twenty American slavers gone to the coast of Africa, the greater part of whose cargoes are, we deeply regret to add, contracted for and insured to be landed in the province of Texas.

We have, &c.

(Signed)

EDWARD W. H. SCHENLEY.
R. R. MADDEN.

P. S. We have this moment received the Captain General's reply to our official note upon the subject of your letter. We enclose a translation of this document, which will convey some faint notion of the determination of this local Government to forward, by every species of quibble and prevarication, the villainous enterprises engaged in not only by Spaniards, but by subjects of any other nation, provided they have for object the continuance of the Slave Trade.

(Signed)

E. W. H. SCHENLEY.
R. R. MADDEN.

Richard Pakenham, Esq.
&c. &c.
Mexico.

No. 139.

Mr. Ashburnham to Viscount Palmerston.—(Received June, 19.)

MY LORD,

Mexico, 1st May, 1837.

I HAVE the honour to enclose for your Lordship's information a copy and translation of a Proclamation, issued by the late Government, declaring the Abolition of Slavery throughout the Mexican Republic.

Your Lordship is already aware, that, by a Decree of the year 1829, slavery was declared to be abolished in all parts of the Mexican Republic; and that, although its continuance in the State of Texas was subsequently, as a measure of policy, connived at, in order not to excite disaffection among the North American Settlers in that country; the Ex-President, General Santa Anna, upon the revolt of that province, in 1835, issued a Proclamation, declaring the liberty of the slave population there.

I have, &c.

(Signed)

C. ASHBURNHAM.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 139.

(Translation.)

Palace of the National Government, Mexico, 5th April, 1837.

The President *ad interim* of the Mexican Republic to the inhabitants thereof, makes known, that the General Congress has decreed the following:—

Article 1. Slavery, without any exception, is hereby abolished throughout the Republic.

2. The masters of slaves liberated by the present law, or by the Decree of 15th September, 1829, shall be indemnified for the value of said slaves, such value being calculated upon the estimate made of their personal qualities, for which purpose an intelligent person shall be named by the Commissary General, or his *locum tenens*, and another by the slaveholder, and in case of any difference, the respective Constitutional Alcalde shall appoint a third; no legal recourse whatsoever holding good against this determination. The indemnity mentioned in this Article shall not extend to the colonists of Texas who have taken part in the revolution of that Department.

. The masters themselves, to whom the original proceedings practised with respect to the estimate

treated of in the foregoing Article, shall present said proceedings to the Supreme Government, who shall direct the General Treasury to issue the corresponding obligations to them for the amount of the respective values.

4 The settlement of the above-mentioned obligations shall be effected in the manner which may appear most equitable to the Government, conciliating the rights of the individuals concerned with the actual state of the public revenue.

JUAN MANUEL DE ELIZALDE.—President.

MANUEL LARRAINZAR.—Secretary.

BERNARDO GUIMBARDA.—Secretary.

Wherefore, &c.,

(Signed) JOSE JUSTO CORRO.

No. 140.

Viscount Palmerston to Mr. Ashburnham.

SIR,

Foreign Office, August 14th, 1837.

I HAVE received and laid before the Queen Mr. Pakenham's Despatch, marked "Slave Trade, of the 25th of April last," transmitting a Treaty which he had concluded with the President of the Mexican Republic, for the total Abolition of the Slave Trade.

I have already in a former Despatch communicated to Mr. Pakenham the approval of His late Majesty, of the zeal and diligence with which Mr. Pakenham had brought the negotiations to a successful conclusion; and I am now commanded to instruct you to state to the Mexican Government, how highly Her Majesty's Government appreciates the noble example, which Mexico has set to the other Republics of America, by concluding this Treaty.

In making this communication you will at the same time state the wish of Her Majesty's Government, that no time should be lost in completing the good work, by obtaining the sanction of the Mexican Chambers to the Treaty, which will be ratified by Her Majesty as soon as its ratification by the Mexican Chambers shall have been received in London.

I am, &c.

(Signed)

PALMERSTON.

The Hon. Charles Ashburnham,
&c. &c. &c.

No. 141.

Mr. Ashburnham to Viscount Palmerston.—(Received Dec. 15.)

MY LORD,

Mexico, 3rd October, 1837.

IT is with great regret that I have to announce to your Lordship, that the Committee, appointed by the Chamber of Deputies to consider and report upon the Treaty lately signed by the Plenipotentiaries of Great Britain and Mexico, for the effectual suppression of the Slave Trade, have presented a Report so little favourable, as to make it probable, that the Congress will refuse to sanction it in its present form.

I had frequently inquired of Senhor Cuevas, as to the progress made in the business by the Committee; and from his answers had long reason to expect a favourable Report, when to my great surprise, I was some days ago informed by him, that they found in it insuperable objections to it, and had, before he was aware of it, presented a Report accordingly to the Chambers. At my desire, His Excellency furnished me with a copy of the Report, of which another with the Translation is enclosed; he declared, that the Government had done all in its power to bring the matter to a favourable and early conclusion, having prevailed upon the Congress, convoked in Extraordinary Session upon special business, to admit this as one of the questions to be taken into consideration. He has promised to try and obtain the revocation or suppression of the Report, in order to a conference with the Committee; but I dare not hold out any hope to your Lordship of his success.

I have conversed with one of the Members of the Committee, and, though there are some points, on which I think I proved to his satisfaction that they had taken an erroneous view in consequence of Senhor Cuevas' not having taking the pains to explain them, nor to lay them before them the Protocols of the Conference. Still I fear there are some, their objection to which is insuperable.

The lateness of the time when I received from Senhor Cuevas the communication of the Report in question, and the great increase of matter on which I have had to address your Lordship, will, I trust, excuse my deferring to enlarge further on the subject until next packet, when, perhaps, it may be in my power to communicate information somewhat less unsatisfactory.

I have, &c.

(Signed)

C. ASHBURNHAM.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 141.

(Translation.)

Department of Foreign Affairs.

Committee-Room of the Chamber of Deputies, Mexico, 31st August, 1837.

THE Committee on Foreign Affairs of the Chamber of Deputies, appointed to examine the Treaty concluded between the Plenipotentiaries nominated by the Government of Mexico and that of Her Britannic Majesty, for the abolition of the traffic in slaves, have deemed it their duty to state, that it is not expedient that said Treaty be approved of in the terms stipulated; and, extracting the substance from the reasons by which they were actuated, the following is the result.

The Committee commence by saying that, taking for their guide the welfare and interest of the Nation, they hold it indispensably requisite that all due circumspection should be exercised in the conclusion of Treaties with Foreign Powers, and thus avoid creating engagements, which, perhaps, they are unable to fulfil, as well as the evil consequences which such inability would entail upon them.

In the analysis which the Committee then make of the Articles of said Treaty, they see no objection to the first and second being approved, inasmuch as they go no further than to declare the traffic in slaves to be abolished by both parties, which has, with us, been already done by the law of 18th July, 1824; and that Mexico should take steps, when necessary, to prevent her citizens from defiling themselves with that criminal commerce;—all which is strictly conformable with our legislative principles, and general ideas upon the subject; but the Committee consider their approbation of these two parts as useless, because the principal matter of the Treaty consists in the means of attaining the ends proposed therein, and on which its subsistence depends.

With respect to the third Article, by which also the Nation binds itself to take the necessary measures for assimilating, as soon as possible, its legislation to that of Great Britain, in everything relative to the Slave Trade, the Committee already find some difficulty, seeing that, perchance, it might not suit the Republic to adopt that legislation; although they add that, if the object of said Article were solely to apply the law of piracy, as Buenos Ayres has done, to the vessels and individuals engaged in this criminal traffic, neither would they then see any impediment to its being sanctioned.

From an attentive perusal of the fourth Article, the Committee consider it as the principal one of all, and as the one from which the others are derived, since by it the two contracting parties reciprocally concede the right of searching and examining the merchant-vessels of both Nations, which are engaged, have been engaged, or are about to be engaged, in the Slave Trade,—such right to be exercised by the ships-of-war or cruisers of the respective navies. This right, as being executive, is, in the opinion of the Committee, odious. It would oppose obstacles to the advancement of our infant mercantile navy, seeing that it would thereby be exposed to dangers into which it might inadvertently or innocently fall, by not fulfilling the conditions which are stipulated; and the detention of a Mexican vessel could never, in any case, be just, inasmuch as by the laws of the Republic, and state of its navy, it is not possible that any one of its citizens should engage in the Slave Trade. Besides, another difficulty would arise from the want of ships-of-war to be stationed at the cruising grounds, for it would be necessary to appoint the best officers in the actual service of the country on so delicate a commission, as otherwise the latter would incur heavy responsibility through the inexperience of those who might be chosen for the purpose, because it is covenanted by the Treaty that all the damages and indemnifications must be made good by the nation to which the culpable officer belongs.

The Committee direct attention to the resistance which several Powers have offered against conceding to others any police rights over their vessels and subjects, and that, if at length many have yielded the point, it ought to be attributed to peculiar circumstances; and as a proof that the precaution or circumspection which the Chamber propose should be exercised, does not proceed from any excessive timidity, but that it is a measure of prudence of long standing, and well calculated in Europe, they point out the conduct observed by other nations in the matter.

They state that since the year 1788, the English Parliament turned their attention to the extinction of the Slave Trade, which they abolished in 1805, a measure which will reflect eternal honour on England; and that, owing to her exertions, it was arranged at the Congress of Vienna that the abolition thereof should be generally adopted; it being worthy of remark that the Representatives of France and Portugal stated that, with regard to a *Maritime Police*, they would admit no other but that which each Power is in the habit of exercising towards its own vessels.

That, the generous sentiments of the British Nation not being completely satisfied with the result of that Congress, they have entered into various Treaties, of which three, say the Committee, are the most important; and they take upon themselves to point out many differences, comparing them with that stipulated with Mexico.

The Committee begin with the Treaty concluded in 1818 with His Majesty the King of the Low Countries, and remark that by it the right of search was restricted in such wise, that it could not be practised in the Mediterranean, or other European Seas, situated under a certain latitude,—an exception common to almost all the Treaties, save that of Mexico, whose vessels can be searched and detained in all seas.

That, although, on account of the infant state of its Navy, such exception would be unnecessary, and even ridiculous, upon the same principle the Committee think the general rule would also be so.

They find another difference in that Treaty, by which it is stipulated that the number of vessels authorized to search shall not exceed twelve for each party, which circumstance, which establishes some kind of equilibrium or equality in the contract, is not mentioned in the Treaty under consideration; although, even had a single cruiser been agreed to, Mexico would have encountered difficulties in fulfilling the condition; and the third difference the Committee make to consist in that, by the Treaty with the Low Countries, the search must be practised by the Commander of the convoy, in concert with the Commander of the cruiser, whilst by the Treaty with Mexico the latter alone is authorized to undertake it.

The Committee continue to compare the differences which they discover between another treaty concluded between England and France, and that of Mexico. They observe that, by the former, the right of search is confined within very narrow bounds, inasmuch as the places whereat it can be exercised, are determined, and the number of ships, authorized to practice it, have to be settled every year, those of one nation never to exceed double the number of those of the other, whereas with Mexico everything is unlimited.

Moreover, they remark the difference that, by the Treaty with France, the captured vessels shall be delivered, as well as their equipments, to the jurisdiction of the nation to which they may belong, and tried according to their respective laws; but by that with Mexico they must be placed at the disposal of the nearest tribunal, and judged according to the laws of the country to which the capturing vessel may belong. The Committee make mention of another Supplementary Convention concluded in March, 1833, between England and France, and observe that, by it, when the Commander of a cruiser wishes to search a vessel sailing in convoy, he must communicate his suspicions to the Commander of the latter, who shall proceed alone to the examination, and, by the Convention with Mexico, it is quite the reverse; from which the Committee deduce, that all the restrictions detailed in the Mexican Treaty are so many precautions, in order to exercise the exceptive right of search, which, in the above-mentioned Treaty, have been omitted.

The Committee, in continuation, examine the Treaty entered into by England and Spain, in the month of July, 1835, and observe that, notwithstanding its great similitude to that of Mexico, there exist two essential differences with regard to the searches. The first, that the Mediterranean and European Seas, up to a certain latitude, are exempted therefrom; and the second, that these searches must be made by the Commanders of the convoy and cruiser together. The Committee next enter upon the analysis of the Annexes to the Treaty. The first, which contains instructions for the ships employed in the prevention of the trade, they consider to be, for the most part, useful, in case the Treaty be approved of. Even in the event of such approval, the Committee state, that the same cannot be said with respect to the second Annex or Document, which treats of the designation of the tribunals which have to take cognizance of the causes of detained vessels; seeing that by our Constitution the point is already determined in the 12th Article, 3rd Attribution of the Supreme Court of Justice, whose duty it is to adjudge all offences committed on the high seas, and take cognizance of all seizures by land or sea; it being, consequently, impossible to create other tribunals, not even by the Legislative body itself. With respect to said designation of Tribunals, the Committee then shew what other countries have stipulated in favour of their respective subjects.

With regard to the third and last Annex of the Treaty, which contains the regulations for the treatment of liberated negroes, the Committee consider it as having two objects: the first, to prevent the frauds which might be committed by carrying off or stealing any negro and reducing him to slavery, supposing such negro not to be one of those liberated by the Tribunal. But in relation to this point the Committee remark, that there is not the most remote danger of the evil apprehended occurring in the Republic; because every one therein is free, even the slaves of other places, from the moment they tread her territory. The second object the Committee conceive to be, that of making the negroes participants in the benefits of civilization, for which end the method deemed most efficient to its attainment has been established; and whilst the Committee extol the benevolent views of a nation, possibly the most powerful of the world, they are of opinion that the above object is one which ought to be left altogether to the discretion and uncontrolled will of the Mexican Government, who will act according to circumstances. Respecting the certificate of emancipation, which, by the Treaty, is to be delivered to the slave liberated by the Tribunal, the Committee pronounce it to be entirely useless in Mexico; because to be free, no further proof is necessary than that of being alive.

The Committee, consequently, think that the Treaty is not adapted to the Republic, inasmuch as it is not suited to the circumstances thereof, which are liable to change, in which case it will be prejudicial to the nation; and, as a proof of the change which may take place, they quote the additional Article of that Document, whereby, on account of the war in which Mexico is engaged with Texas, the vessels employed on that service are exempted from the provisions of the 9th Article, although under certain conditions. They observe that, probably, this exception was made in consequence of the war just mentioned, which, had it been subsequent to the stipulation and approbation of the Treaty, it would have been necessary to make a fresh covenant, the defence of our national rights suffering in the meanwhile from useless delay.

Wherefore, it being impossible to foresee what may happen hereafter, the Committee are of opinion that such general engagements should not be entered into; but they protest against its being supposed that, for that reason, Mexico is not anxious to contribute towards the attainment of so grand an object as that of the abolition of the Slave Trade; on the contrary, the Committee are of opinion, that the generous views of Great Britain ought to be supported, and co-operation given to the success of a project so benevolent and humane, not only to gratify that nation, but also to meet the wishes and feelings of Mexicans.

Finally, the Committee propose that the documents connected with the subject under consideration be returned to the Government, in order that, being apprized of the motives which have induced the Chamber to reject the Treaty, they may enter into a fresh negotiation, and adjust another drawn up in the customary terms, whereby the nation be not pledged to fulfil more than it can perform, but that its ability and circumstances be taken into consideration.

They, likewise, propose that a Law be dictated, declaring that all Mexicans who engage in the Slave Trade shall be treated as pirates; or, in other words, that the Law of 13th July, 1824, be amplified.

The Committee conclude by embodying their Report in the three following Articles:—

1st. The Treaty concluded between the Plenipotentiaries appointed by the Government of Mexico and that of His Britannic Majesty, for the abolition of the Slave Trade, signed in Mexico on the 16th of April, 1837, is not approved.

2nd. That the Documents having relation to this matter be returned to the Government, in order that, in consideration thereof, they may open the negotiations anew, and conclude another Treaty.

3rd. A Law, amplifying that of 13th July, 1824, which prohibits the Slave Trade, shall be dictated with all possible brevity.

No. 142.

Mr. Ashburnham to Viscount Palmerston.—(Received December 31.)

MY LORD,

Mexico, 7th November, 1837.

By my Despatch, Slave Trade, of the 3rd ultimo, I had the mortification of announcing to your Lordship the unfavourable reception which the Treaty for the suppression of the Slave Trade had met with from the Committee appointed by Congress to take it into consideration.

I expressed my hope that I might be enabled by this packet to submit to your Lordship some more favourable information on the point, though I could not indulge a hope, that Senhor Cuevas' idea of procuring the withdrawal of the Committee's Report would prove feasible.

My disappointment at my inability to do so, is the greater as your Lordship's Despatch to me proves how deeply interested Her Majesty's Government feel upon this subject, and how little they will have been prepared for the unfavourable termination of so propitious a commencement.

To the want of energy of the late Minister of Foreign Affairs, I must, in justice to myself, attribute this result; for aware of the readiness with which the preceding Government had met the wishes of that of Her Majesty, I thought I might trust to his assurances, that the Committee saw no difficulties of any moment, and that he was not remiss in giving to the Treaty all the support and explanation necessary.

In my last conversation with His Excellency, previously to his leaving office, he suggested, that I should apply to your Lordship for the necessary powers to negotiate another Treaty; to which I replied, that such a course was for obvious reasons impossible; and that to me it appeared equally obvious, that, as the Treaty had failed of ratification in a great measure, through the want of adequate support from him, it would be more consonant with the professions of the Mexican Government towards that of Great Britain, that they should make the proposal through Senhor Gutierrez de Estrada, furnishing him without delay with the necessary instructions and full powers, more particularly as Mr. Pakenham's presence in England would tend greatly to facilitate and expedite the matter, for the conclusion of which His Excellency expressed himself no less anxious than Her Majesty's Government.

The non-existence of any real Government for upwards of three weeks, will have probably prevented the adopting this suggestion, and I have not yet had an opportunity of discussing the question with Senhor Bocanegra; but your Lordship may depend upon my assurance that I will lose no time in stating to him the anxiety of Her Majesty's Government upon this subject, and in suggesting to him the propriety of making amends without delay, for the disappointment of the reasonable expectations formed by your Lordship of the ratification of the Treaty lately signed.

I have, &c.

(Signed)

C. ASHBURNHAM.

The Right Hon Viscount Palmerston, G.C.B.

&c.

&c.

&c.

MEXICO. (*Consular.*)

No. 143.

Mr. Parkinson to Viscount Palmerston.—(Received December 15.)

MY LORD,

British Consulate, Mexico, 30th Sept. 1837.

ALTHOUGH the *Official Slave Trade Reports*, concerning the alleged traffic between Cuba and Texas have not reached this Consulate, I nevertheless have gathered so many indications of the existence of that trade, as to induce me to direct the particular attention of the Vice-Consul Crawford, of Tampico, to this important matter, and to instruct him to supply me with the earliest and fullest information thereon, which his recent personal observations in the Texas may enable him to afford, or that he may be able to supply from any other authentic channel of information.

I have, &c.

(Signed)

JOHN PARKINSON,

The Right Hon. Viscount Palmerston, G.C.B.

Consul.

&c.

&c.

&c.

No. 144.

Mr. Parkinson to Viscount Palmerston.—(Received December 15.)

MY LORD,

British Consulate, Mexico, 3rd October, 1837.

IN my Despatch dated the 30th ultimo, I had the honour to state that I had instructed Mr. Vice-Consul Crawford, to report to me for your Lordship's information such facts as might be within his cognizance, regarding the traffic in slaves between the Island of Cuba and Texas.

His Report has fortunately reached me before the departure of the Legation Courier, and I hasten to submit it to your Lordship, as fully corroborative of the alleged abuses.

I do not by any means espouse Mr. Vice-Consul Crawford's opinion that the Trade is for the present put down, and I shall direct his watchful attention to the proceedings of the daring speculations in this inhuman Trade.

I have, &c.

(Signed)

JOHN PARKINSON,

The Right Hon. Viscount Palmerston, G.C.B.,

Consul.

&c.

&c.

&c.

Enclosure in No. 144.

Mr. Joshua T. Crawford to Mr. Parkinson.

British Consulate, Tampico, 18th September, 1837.

SIR,

I HAVE the honour of acknowledging the receipt of your Despatch, No. 18, dated the 9th instant, requiring to be supplied with the fullest information "which it may be in my power to furnish, relative to a considerable traffic in slaves, which, according to the current and credited reports in circulation, is carrying on between the island of Cuba and Texas."

The reports in circulation, I am much concerned to say, are but too well founded as to the fact that the disgraceful traffic has been carried on, but I am at the same time in the belief that an end has been put thereto by the active measures adopted by the Government of the Texas to detect the perpetrators within the territory, as well as by the co-operation obtained from the United States of America, by General Houston, to prevent the vessels engaged in the traffic from landing their cargoes to the eastward of the Sabine, from whence the slaves were passed into Texas, in a manner which precluded

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their detection by the authorities, as, according to the Constitution, slaves may be taken into that country over the frontier of the United States.

So far as my information goes, there were at one time from four or five vessels engaged in this diabolical trade; one, under Texan colours, landed slaves in the Brazos river, and was sometime under detention; but the Government could not prove the crime, which, by law in Texas, is that of piracy, against the suspected parties, although perfectly satisfied that the slaves had been brought there, and smuggled from on board. Two American schooners, and two Spanish small vessels, have also imported slaves, chiefly landed on the eastern side of the Sabine river.

The Spaniards have not repeated the attempts; and the United States, having a force along the Sabine, the traffic is virtually put an end to. The last vessel which made an attempt in this way, the American schooner, "*Emperor*," was captured by the United States' squadron, and narrowly escaped condemnation at Pensacola. Unless the traffic has been resumed very lately, and which I have not heard is the case, it is my opinion that it is for the present put down; but that it will be repeated I have little doubt, and therefore the vigilance of our cruisers on the station ought to be directed to a matter of so much importance.

To do this effectually, a proper understanding is required with the Government of the United States, that, in the event of slaves being found on board an American vessel, she may be sent or taken to Pensacola, or some other port which may be agreed, for adjudication.

In the report which I had the honour of addressing to His Majesty's Government from Texas, in June last, I touched upon this very interesting subject, and stated my conviction of the earnest desire there is on the part of the Government of the Texas to put an end to this inhuman traffic. I hope that the suggestions in my report may induce measures which, if prudently acted upon with that people, will close the door to slavery there; a desideratum to be obtained at little cost now, but which, if longer delayed, will be of very difficult arrangement, as the point must be conceded before they have a slave population so extensive as to exclude free labour, which will be soon the case, and the value of the slaves to their proprietors becomes a bar to their manumission.

I have, &c.,
(Signed) JOSHUA T. CRAWFORD,
Vice Consul.

MONTE VIDEO.

No. 145.

Mr. Hood to Viscount Palmerston.—(Received June 19th.)

MY LORD,

Monte Video, 28th March, 1837.

I THINK it my duty to acquaint your Lordship, that I had a conversation yesterday with the Minister of Finance, touching certain points of the English Treaty. He informed me that Mr. Giro had been instructed by this Government, so soon as he should have completed his negotiations at Madrid, to proceed to London, and there endeavour to come to some definite understanding with your Lordship upon the several articles of the Treaty in dispute, previous to his return to this country, when in all probability he will take the Office of Foreign Relations, and become the Plenipotentiary to negotiate with Mr. Mandeville.

I have, &c.

THOMAS SAMUEL HOOD.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 146.

M. Giro to Viscount Palmerston.—(Received June 21.)

(Extract.)

Madrid, 8 de Junio, 1837.

El Bergantin Oriental *Rio de la Plata* propio ciudadano de aquella Republica y navegando bajo su pavellon con destino á Monte Video, fue apresado el 28 de Noviembre de 1834 por la Corbeta de S. M. B. "*Raleigh*" Capitan Miguel Lewis, por haberse encontrado á su borda un cierto numero de Colonos Africanos destinados á Monte Video en virtud de un contrado celebrado entre el Gobierno de aquel Estado y los propietarios del buque; fue conducido al Rio Teneguo y jugado por la comision Mixta alli establecida, cuya incompetencia parece manifiesta por haberse procedido y pronunciado sentencia contra el, bajo el falso supuesto de ser buque brasileño.

Esta sencilla exposicion del caso basta para que V. E. conosca la naturaleza de la demanda cuyo arreglo solicita el Gobierno Oriental del Uruguay, y no dudo que el de S. M. B. se sentira igualmente interesado en su esclarecimiento, y en proporcionar, en su caso, la satisfaccion á que tubiera lugar por el medio que me he tomado la libertad de indicar en cumplimiento de las prevenciones de mi Gobierno.

Translation.

(Extract.)

Madrid, June 8, 1837.

The Oriental brig "*Rio de la Plata*," owned by citizens of that Republic and navigating under its colours, was prosecuting her voyage to Monte Video, when she was captured on the 28th November, 1834, by His Britannic Majesty's schooner "*Raleigh*," Captain Michael Lewis, because he had found on board her a certain number of African colonists destined for Monte Video, in virtue of a contract concluded between the Government of that State and the owners of that vessel; she was taken to Rio de Janeiro, and adjudged by the Mixed Commission there established whose incompetence appears to be manifest, as proceedings were commenced and sentence pronounced against her under the false supposition of her being a Brazilian vessel.

This plain statement of the case is sufficient for Your Excellency to understand the nature of the claim for whose arrangement the Oriental Government of the Uruguay is anxious, and I make no doubt that the Government of His Britannic Majesty will likewise be interested in having it cleared up, and in giving, if such should turn out to be the case, satisfaction to whom it may be due through the medium which I have taken the liberty to point out in compliance with directions from my Government.

No. 147.

T. S. Hood to Viscount Palmerston, G.C.B.—(Received October 7.)

MY LORD,

Monte Video, 20th June, 1837.

THE long-protracted civil war in the Province of Rio Grande having broken up the greater part of those extensive Charqueadas which had been established for many years past in that Province, and many a wealthy proprietor having emigrated to this Republic, bringing with them a large number of slaves as labourers, to carry on in this country a similar pursuit, caused the attention of the Government to be drawn to this practice, as an infraction of the 131st Article of the Constitution, which most positively and unconditionally prohibits the introduction of slaves under any form or circumstance.

This question having been agitated, the emigrants claimed the privileges which they alleged to be conceded under the word *property*, by the 147th Article of the Constitution, which says, that "any individual is at liberty to enter the territory of the Republic, to reside in it, and to quit it with his *property*, observing the laws of police, &c.

The Legislature, with a view of reconciling those differences, and to adjust the discrepancies between the two Articles, passed a Law to that effect, a Copy of which I have the honour to enclose for your Lordship's information.

I have, &c.

THOMAS SAMUEL HOOD.

(Signed)

The Hon. Viscount Palmerston, G.C.B.,
&c. &c. &c.

Enclosure in No. 147.

Decree.

(Translation.)

The Senate and Chamber of Representatives of the Oriental Republic of the Uruguay, in General Assembly.

Monte Video, June 14th, 1837.

It being their duty to put an end to the abuses which the non-compliance with the 131st Article of the Constitution has given rise to, and keeping in view that in case the introduction of negroes, either as slaves, or in any other manner whatsoever, should again take place, measures, which humanity requires, are absolutely necessary to provide for such, as in the act of entering the territory of the Republic, shall be entitled to the enjoyment of the privileges conceded to them by the Constitution. And it being requisite at the same time to conciliate this liberty with their uncivilized state decrees, with the value and force of law.

Art. 1. Such negroes as shall be introduced into the Republic, after the publication of this Law, under any denomination whatsoever, shall by the Act be free (*de hecho y de derecho*).

Art. 2. The negroes referred to in the foregoing Article shall be apprenticed by the Public Authorities until they become of age, the Master giving bond for a sum equivalent to twenty dollars per annum, which fund shall be delivered to the negro on his completing the term of his service.

Art. 3. Such as are of more than twenty-five years of age shall be apprenticed for three years on the same terms as are established for those under age.

Art. 4. The classification of ages to be intrusted to a Committee in each chief town of the Department, composed of the Chief of Police, as President; the President of the Junta Economica, the Vicar, and the Guardian of Minors.

Art. 5. The Committee shall keep a register, in which shall be entered the description of the negro, the name of the master and his surety, with the residence of both.

Art. 6. The masters shall be obliged to treat them well, to clothe them sufficiently, to give proper attendance during sickness, and to instruct them in morality and religion.

Art. 7. Ill-treatment, and the failure in fulfilling any of the obligations imposed on the master in the foregoing article, shall be sufficient cause for removal from his charge, and he is to deposit with the master who succeeds him the sum that has become due to the apprentice for the time he may have been in his service, with the intervention of the magistrate who takes cognizance of the case, and of the guardian of minors.

Art. 8. The individuals not comprehended in this law are,—1st. Negroes or people of colour, who have become free, and who enter of their own accord the territory of the Republic. 2nd. Slaves who have run away from their masters, and taken shelter in the said territory, shall be delivered up to their owners, and immediately sent out of the country. 3rd. Slaves introduced with their owners, when the latter have emigrated with their property, or such as are in the service of persons passing through the Republic, but such can neither be sold nor made over under any pretence, and they must be taken out of the country within one year from the time of their introduction.

Art. 9. The importers of negroes or persons of colour, of whatsoever class or denomination they may be, and those persons who buy or obtain as slaves by any title, or contribute directly or indirectly to their introduction, or to this traffic, incur the penalty of infamy, and a fine of from 100 to 200 dollars for each one, to be applied, one half to the Public Treasury and the other half to the informer, and should the sale be made of any such as are comprehended in the second and third exceptions of the foregoing article, the slave becomes free by the act, and the person selling him shall pay his value, to be applied in the same manner to the Treasury and the informer.

Art. 10. Such persons as shall abduct from the territory of the Republic, negroes, who by this

law should be placed under guardianship, shall incur the same penalty of infamy, and be liable to double the amount of the fine established in the first part of the preceding Article.

Art. 11. The Executive will dictate all the measures conducive to the effective fulfilment of this Law, and if authorised to concede a prolongation of the term fixed for the sending away of negroes referred to in the third exception of the Eighth Article, when their masters shall shew sufficient grounds or motives to justify it, but this prolongation cannot exceed the same length of time appointed by the above-mentioned Eighth Article.

(Signed)

MANUEL J. ERRASQUIA,

President.

MIGUEL A. BERRO,

Secretary.

No. 148.

Viscount Palmerston to M. Giro.

SIR,

Foreign Office, October 19th, 1837.

I HAVE had the honour to receive the letter which you addressed to me on the 8th of June, requesting, that instructions might be sent to Her Majesty's Minister at Buenos Ayres, to confer with the Montevidean Government, as to the compensation claimed by Montevideo on account of the capture of the "*Rio de Plata*," or "*Rio de la Plata*," detained on the 28th of November, 1834, while sailing under the Montevidean flag, with 523 negroes on board, by Her Majesty's Ship "*Raleigh*," and taken to Rio de Janeiro, where she was condemned on the 9th of February, 1835, by the British and Brazilian Court of Mixed Commission, for having been engaged in the traffic in slaves.

The claim thus brought forward by the Montevidean Government, is founded upon the assumption, that the "*Rio de la Plata*" was a Montevidean vessel, and the property of a citizen of the Montevidean Republic; but after an attentive reconsideration of the circumstances of the case, I cannot see any reason to differ from the opinion given thereupon by the Court of Mixed Commission, namely, that the "*Rio de la Plata*" was, in fact, the property of a Brazilian subject; was engaged at the time of her detention in the traffic in slaves; and was, therefore, liable to condemnation under the provisions of the Treaty between Great Britain and Brazil, for the Abolition of that Traffic.

In further proof of the correctness of the sentence of the Mixed Court, which rejected the plea that the "*Rio de la Plata*" was *bonâ fide* a Montevidean vessel, I have to inform you, that it has been reported to Her Majesty's Government, that, in 1833, the "*Rio de la Plata*" sailed under the Brazilian flag for the Coast of Africa, and that she returned in February, 1834, and landed 450 negroes at Maldonado—that prior to her departure from Montevideo, in the month of June following, on the voyage on which she was captured, no sale of the vessel was made at Montevideo, and no duty paid, as is customary on any sale or transfer; and, lastly, that Villaçá, whose property she had been, while under the flag of Brazil, continued to enjoy the character of a Brazilian subject, long after Montevidean colours had been hoisted on board his vessel, he not having taken out letters of citizenship, till after the capture of the "*Rio de la Plata*" in November, 1834.

In conclusion, I have the honour to assure you, that the flag of the Montevidean Republic, when born by Montevidean vessels, will always meet with the respect and attention, due by the cruizers of Her Majesty to the flag of an independent and friendly State; and that prompt and complete satisfaction would be offered by the British Government, should any of its officers so far forget their duty, as to molest such vessels; but Her Majesty's Government can only view the case of the "*Rio de la Plata*," as one in which the flag of Montevideo was fraudulently assumed by a Brazilian subject engaged in the Slave Trade; and it cannot therefore consent to instruct the British Minister at Montevideo, to enter into negotiations for the settlement of the claim for compensation, now put forward by the Montevidean Government, on account of the capture of this vessel.

I am, &c.

M. Giro.

(Signed)

PALMERSTON.

No. 149.

*M. Giro to Viscount Palmerston—(Received Dec. 12th.)**Madrid, 24 de Novembre, de 1837.*

HE tenido el honor de recibir la nota que V. E. me dirigió el 19 de Octubre ultimo, haciendome saber que el Gobierno de S. M. B. no puede consentir en instruir al Ministro Inglés residente en Buenos Ayres, para entrar en negociaciones con el Gobierno de la Republica Oriental del Uruguay cerca de las reclamaciones sobre indemnisation, que dicho Gobierno ha promovido, por el apresamiento y condenacion del Bergantin Oriental "*Rio de la Plata*," en razon de que el Gobierno de S. M. B. mira este caso como uno en que se ha usado fraudulentamente del pabellon de la Republica, por un subdito brasileño implicado en el trafico de esclavos.

No me compete entrar en observaciones sobre los particulares que contiene la nota de V. E., à que tengo el honor de contestar, porque mi encargo en esta parte está limitado a representar á V. E. la conveniencia de que el Gobierno de S. M. B. adoptase el medio que propuse en el nombre de mi Gobierno, para facilitar el esclarecimiento y resolucion del caso in cuestion, y solo me incumbe transmitir al conocimiento de mi Gobierno la respuesta que V. E. ha dado à mi indicacion.

Dejando asi cumplidos los objetos de la comision que me confio mi Gobierno, como su Agente confidencial cerca de V. E. ceso desde luego en ella, y solo me resta agradecer a V. E. las consideraciones que durante ella me ha dispensado.

Reitero á V. E., &c.

(Firmado)

JUAN J. GIRO.

Al Visconde Palmerston, G.C.B.

&c.

&c.

Translation.

Madrid, 24th. November, 1837.

I HAVE had the honour to receive the note, which your Lordship addressed to me on the 19th October ultimo, to inform me that the Government of Her Britannic Majesty cannot consent to instruct the English Minister, residing at Buenos Ayres, to enter into negotiation with the Government of the Oriental Republic of the Uruguay, concerning the demand for indemnity which the said Government has made on account of the capture and condemnation of the Oriental brig, the *Rio de la Plata*, because Her Britannic Majesty's Government considers this case as one in which the flag of the Republic has been fraudulently employed by a Brazilian subject engaged in the Slave Trade.

It is not for me to enter into observations on the particulars alluded to in your Lordship's note, as my instructions on this subject are limited to stating to your Lordship, how desirable it would be, if Her Britannic Majesty's Government would adopt the measure proposed by me in the name of my Government with the view of facilitating the clearing up and adjusting the case in question; and all that I now can do is, to put my Government in possession of the answer returned by your Lordship to my application.

Having thus fulfilled the object of the commission which my Government confided to me as its confidential Agent with your Lordship, I have now only to thank your Lordship for the considerations with which your Lordship has treated me during the same.

I repeat to your Lordship on this occasion, &c. &c..

Lord Viscount Palmerston

&c.

&c.

JUAN F. GIRO.

PERU.

No. 150.

Mr. Wilson to Viscount Palmerston.—(Received December 26.)

MY LORD,

Lima, 18th July, 1837.

I have the honour to acknowledge the receipt, on the 14th instant, of your Lordships "Circular" of the 27th of January last, marked "Slave Trade" covering the Translation of a Decree, issued at Lisbon on the 10th of December, 1836, for the Abolition of the Slave Trade throughout the Portuguese dominions.

I have, &c.

(Signed)

BELFORD HINTON WILSON.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

VENEZUELA.

No. 151.

Sir R. K. Porter to Viscount Palmerston.—(Received May 7.)

MY LORD,

Caracas, 16th February, 1837.

I HAVE to acknowledge the honour of your Lordship's Despatch, of December 15th, 1836, on the subject of the Correspondence which had taken place between the Venezuelan Minister for Foreign Affairs and myself, for negotiating a Treaty between this Republic and Great Britain for the abolition of the Slave Trade, and also the Copy of the Draft of the Treaty originally transmitted, showing the alterations which are to be made in order to meet the objections raised by the Venezuelan Minister. Every point shall be most strictly attended to by me, when the affair comes under negotiation, to accelerate which not a moment shall be lost, as soon as the Ministry of the new Chief Magistrate of the State is formed, an event that must take place immediately on the arrival from Europe of his Excellency the Vice-President, General Carlos Soublette, now daily expected.

Allow me, likewise, to acknowledge the receipt of the "Full Power," with which his Majesty has graciously honoured me, authorizing my signing the Treaty in question.

I remain, &c.

(Signed)

ROBERT KER PORTER.

The Right Hon. Viscount Palmerston, G.C.B.
 &c. &c. &c.

No. 152.

Sir R. K. Porter to Viscount Palmerston.—(Received May 7.)

MY LORD,

Caracas, 10th March, 1837.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of January 27th., (headed "Slave Trade Circular"), transmitting, for my information, the Translation of a Decree, issued in Lisbon in December, 1836, for the abolition of the Slave Trade throughout the Portuguese Dominions.

I have, &c.

(Signed)

ROBERT KER PORTER.

The Right Hon. Viscount Palmerston, G.C.B.
 &c. &c. &c.

No. 153.

Sir R. K. Porter to Viscount Palmerston.—(Received June 15.)

(Extract.)

Caracas, 6th May, 1837.

IN consequence of the non-arrival from Europe until last March, of the new Chief Magistrate of the Republic, and also from the resignation of the Vice-President (charged with the Executive Power), and Ministers of State, on the 20th of January, in agreement with the Constitution; it became impossible for me to take any steps in the affair of the Treaty for the abolition of the traffic in slaves, before the new public functionaries came into office. As soon, however, as these Authorities were installed, I lost no time in addressing Senor Santos Michelena (the Minister of Foreign Affairs) on the subject, stating to him the proposition your Lordship had directed me to submit to the Executive for adoption, viz., the system now in operation, under the Conventions between Great Britain and France, so well calculated to meet the objections that have been made on the part of the Vice-President, when the Draft of the Treaty was laid before him. I like...

wise informed the Venezuelan Minister that a Full Power was sent to me from the King, under the Great Seal, authorizing my negotiating and signing the Treaty in question.

My Note was answered by Senor Michelena, on the 27th ultimo, fixing the 2d of the present month for opening the conferences, and informing me that he had been named by the President as the Commissioner for Venezuela.

On the day appointed we met. Our respective Powers were exhibited, Copies exchanged, and I placed a fair Copy of the corrected Draft of the Treaty in the Minister's hands for translation and submitting to the Executive.

Enclosure in No. 153.

(Copy.—Translation.)

Republic of Venezuela.

SIR, *Secretary of State's Office for Foreign Affairs, Caracas, 27th April, 1837.*

THE Undersigned, in fulfilling the orders of his Excellency the Executive Power, has the honour and satisfaction of informing the Chargé d'Affaires that he has been nominated and fully authorized to negotiate with him a Treaty on the abolition of the traffic in slaves, in virtue of his official Note of the 20th March last, and which, from existing circumstances, it was not in the power of the Undersigned to answer until the present moment. He, therefore, now adds that, on the 2d of May next, at 11 o'clock, he will be ready to open the conferences in the Office for Foreign Affairs.

With sentiments of consideration, the Undersigned has the honour to remain, &c.

(Signed) SANTOS MICHELENA.

Sir Robert Ker Porter, His Britannic Majesty's Chargé d'Affaires.

No. 154.

Viscount Palmerston to Sir R. K. Porter.

SIR, *Foreign Office, 15th July, 1837.*

I TRANSMIT to you a full power, which the Queen has been pleased to grant to you under the Great Seal, renewing the full powers with which you were invested by his late Majesty King William IV., for the purpose of negotiating and concluding a Treaty between Great Britain and the Republic of Venezuela, for the abolition of the traffic in slaves.

I am, &c.

Sir Robert Ker Porter, (Signed) PALMERSTON.
...&c. &c.

No. 155.

Sir R. K. Porter to Viscount Palmerston.—(Received July 16.)

MY LORD, *Caracas, 26th May, 1837.*

I HAVE the honour of transmitting to your Lordship the Protocol of the Conferences on negotiating the Treaty for the Abolition of the Traffic in Slaves, now entered into between His Majesty and the Republic of Venezuela. The Conferences were opened on the 2d of May, and terminated on the 19th, on which day the Treaty was signed by the respective Plenipotentiaries.

I have, &c.

(Signed) ROBERT KER PORTER.

The Right Hon. Viscount Palmerston, G.C.B.
...&c. &c. &c.

No. 156.

Sir R. K. Porter to Viscount Palmerston.—(Received October 23.)

MY LORD, *Caracas, 7th September, 1837.*

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of 15th July, transmitting a full power, which the Queen has been pleased to grant, renewing that with which His late Majesty had invested me, for negotiating and concluding a Treaty for the Abolition of the Traffic in Slaves, between Great Britain and the Republic of Venezuela.

In case a renewal of the Negotiations should become necessary for any additional Convention thereon, the present full power may then be resorted to.

I remain, &c.

(Signed) ROBERT KER PORTER.

The Right Hon. Viscount Palmerston, G.C.B.
...&c. &c. &c.

No. 157.

Sir R. K. Porter to Viscount Palmerston.—(Received Oct. 23.)

MY LORD,

Caracas, September 7th, 1837.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, of July 15th, headed "Circular, Slave Trade," transmitting 2 Copies of Papers, marked A. and B., relating to that traffic,

I remain, &c.

(Signed)

ROBERT K. PORTER,

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

UNITED STATES.

No. 158.

Viscount Palmerston, to H. S. Fox, Esq.

SIR,

Foreign Office, 14th August 1837.

I HEREWITH transmit for your information, the Extracts from 3 Despatches, which I have received from Her Majesty's Commissioners at the Havana, containing Reports upon the Slave Trade carried on at that port during the months of March, April, and May, 1837. I perceive with regret that in all these Papers, proof exists of the continued employment of vessels under the American flag in the Slave Trade.

In the Report for March it is stated, "that the American brig, the "*Two Friends*," is supposed to have carried out a slaving equipment for the 2 Portuguese vessels, the "*Tratado*," and "*Olimpia*," which cleared out on the same day; and in the Report for May, the "*Viper*," which left the Havana in October last, under the American flag, is stated to have cleared out, under the flag of Portugal, on a slaving expedition.

On reference to my Despatch to you, of the 21st of January, 1837, you will find, that the "*Viper*," or, as she is now called, the "*Vibora de Cabo Verde*," is one of the vessels to which, in October last, Her Majesty's Commissioners in vain attempted to draw the attention of the American Consul at the Havana. The departure of this vessel, under the circumstances now stated by the Commissioners, affords evidence of the justness of the suspicions they then entertained, that her ultimate destination was the traffic in slaves; you will, therefore, communicate the enclosed Reports to the Government of the United States, and urge the expediency of its taking some immediate steps to check this growing evil, and to secure the flag of the United States from the reproach of being used to protect the Slave Trade.

I have, &c.

(Signed) PALMERSTON.

H. S. Fox, Esq.

No. 159.

Viscount Palmerston to Mr. Fox.

SIR,

Foreign Office, 9th December, 1837.

I HEREWITH transmit to you, for communication to the President of the United States, the Copy of a Despatch from Her Majesty's Commissioners at Sierra Leone, reporting the arrival at, and departure from, that Colony of a schooner bearing the flag of the United States, under circumstances which afford good grounds for suspicion, that she was intended for the traffic in slaves.

I have, &c.

(Signed) PALMERSTON.

To H. S. Fox, Esq.

&c. &c. &c.

HAITI.

No. 160.

Mr. Courtenay to Viscount Palmerston.—(Received April 25.)

MY LORD,

Port au Prince, 10th March, 1837.

I HAVE the honour to state, that I am informed by a Letter from Vice Consul Zimmer, dated Aux Cayes, 4th instant, that a slaving schooner under the Brazilian flag called "*Paquette de Capo Verde*," commanded by Luis Torres, was wrecked on the Folle Reefs, near that city, on the 28th ultimo, having previously landed his cargo at Ponce, in the Island of Porto Rico.

The shackles and water-casks found on board left no doubt of his character, which was confirmed by the Master on his examination, who stated that he was on his way to Matanzas, in Cuba, to refit and arrange for another voyage. Mr. Zimmer does not appear to think the Master or crew, amounting to 17, will be detained, but it was not known how the proceeds of the articles saved from the wreck would be appropriated.

I have, &c.

(Signed)

G. W. L. COURTENAY,

The Right Hon. Viscount Palmerston, G.C.B.

Consul.

&c.

&c.

&c.

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CORRESPONDENCE

WITH

FOREIGN POWERS,

RELATING TO

THE SLAVE TRADE .

1837.

CLASS B.

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CORRESPONDENCE

WITH

FOREIGN POWERS,

RELATING TO

THE SLAVE TRADE.

1837.

Presented to both Houses of Parliament by Command of Her Majesty,
1838.

LONDON:
PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET,
FOR HER MAJESTY'S STATIONERY OFFICE.

1838.

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Class B. (Further Series) 1838.

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CORRESPONDENCE WITH FOREIGN POWERS.

SPAIN.

No. 1.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, 6th January 1838.

I HEREWITH transmit for your information, the Copy of a Despatch and of its Enclosures, from Her Majesty's Commissioners at the Havana, containing their Correspondence with Lieutenant Jenkin, in command of Her Majesty's hulk "Romney," upon the subject of a negro, who had secreted himself on board that vessel, and whom Lieutenant Jenkin had given up to the proper Authorities at the Havana.

I also enclose a Copy of the Despatch, which I have addressed to Her Majesty's Commissioners upon the subject, by which you will learn, that I approve of the course pursued by Lieutenant Jenkin in this Case; and I have to instruct you to communicate these Papers to the Spanish Government.

I have, &c.

(Signed)

PALMERSTON.

Sir George Villiers, G.C.B.

&c. &c. &c.

Enclosure in No. 1.

*Havana Commissioners to Viscount Palmerston,
October 10, 1837.*

(See Class A. of former Series, No. 102, p. 140.)

*Viscount Palmerston to Havana Commissioners,
January 5, 1838.*

(See Class A. of this Series, No. 28.)

No. 2.

Sir George Villiers to Viscount Palmerston.—(Received January 18.)

MY LORD,

Madrid, 7th January, 1838.

I HAVE the honour to enclose the Copy and Translation of a Note which I have received from Count Ofalia, respecting the soldiers of Colour employed on board Her Majesty's ship "Romney," at the Havana.

I enclose likewise the Copy of a Note, which I have addressed to Count Ofalia, in reply.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c. &c. &c.

CLASS B.—FURTHER SERIES.

B

First Enclosure in No. 2.

(Translation.)

Count Ofalia to Sir George Villiers.

SIR,

Madrid, December 29th, 1837.

THE Captain-General of the Island of Cuba informs me of the arrival at the Havana on the 25th of August last, of Her Britannic Majesty's ship "Romney," destined to serve as a hulk or deposit for captured negroes from Africa, until sentence is passed upon them by the mixed tribunal, and they are sent to their destination in conformity with Annex C. of the Treaty of 28th June, 1835, ~~having on board~~ 15 black marines brought from Nassau, and expecting as many more with the intention to raise recruits, as appears from the Document of which I enclose a copy.

The Captain-General, on receiving this intelligence, pointed out to the above-mentioned tribunal and arbitration the serious inconvenience which the introduction and residence in that port of these blacks would cause, in order that they might be sent back to the place from whence they came, or to any other in the dominions of Her Britannic Majesty, as it was impossible for him to permit such an event, which was in opposition to the laws of the country, to existing treaties, and to the private regulations of the police and safety of the island.

This determination, rendered so necessary by circumstances, as in conformity with the principles observed there, has been combated by the said Commissioners, and particularly so by the superintendent of the emancipated negroes, Dr. Robert Richard Madden, without satisfying the doubts of the Captain-General, in such terms that his prudence advised him to leave matters as they were, without entering into fresh explanations, but refusing to permit the said blacks to land until Her Majesty's pleasure should be known.

Various measures since February, 1796, have been adopted by Her Majesty's Government and the authorities of the Havana, for preventing the introduction into that island of wandering negroes and mulattoes coming from "Costa firme" and foreign colonies, who, contaminated by the bad example of insurrections, and the fallacious doctrines invented by the revolutionists of both the Old and the New World, were likely to cause riots and other most fatal evils in that pacific and faithful country.

Her Majesty's Government, to entertain the same beneficial views for the safety, order, and tranquillity of that island, addresses itself through you to that of Her Britannic Majesty, in the sincere hope, that in consideration of the reasons above alleged, it will think fit to determine, that the above-mentioned troop of black Africans serving on board the "Romney," as well as those who are expected to arrive, may be sent back to the place from whence they came, or where else away from the port and island of the Havana, by which means the dangers which are apprehended will be avoided, and the laws which exist there will remain in due observance.

I avail, &c.,

(Signed)

THE COUNT OF OFALIA.

Sir George Villiers, G.C.B.

&c. &c. &c.

Sub-Enclosure in No. 2.

(Translation.)

Señor Lobadia to Don M. Tacon.

Havana, August 25, 1837.

THE Adjutant charged with the recognition of vessels informs His Excellency the Governor and Captain-General, of the arrival in this port to-day, coming from England and Nassau, of Her Britannic Majesty's hulk "Romney," Captain, Lieutenant Charles Jenkin, on board of which vessel, amongst the individuals of its crew and marines are 15 black marines, which, as the Commander informed the Government Interpreter who accompanied me on making this customary visit, he had taken in at Nassau, and that he expected 15 more, who were to remain on board the said hulk for the purpose of raising recruits. All which I have the honour to communicate to your Excellency for your information.

(Signed)

FRANCISCO LOBADIA.

Second Enclosure in No. 2.

Sir George Villiers to Count Ofalia.

SIR,

Madrid, January 3rd, 1838.

I HAVE had the honour to receive your Excellency's note of the 29th last month, respecting some black soldiers in the service of Her Britannic Majesty, who do the duty of marines on board the hulk "Romney," stationed at the Havana, for the purpose of receiving the liberated negroes found on board captured slave ships.

It was with no small surprise and some pain, that I found in your Excellency's note not the least mention or allusion to mine on the same subject, which on the 2nd of last month I addressed to your Excellency's predecessor. In that note I had the honour to state the facts of the case, and of anticipating in a great measure the arguments, with which your Excellency supports the line of conduct adopted by General Tacon.

The instructions I received from my Government on the subject were, to suggest to Her Catholic Majesty's Minister of State for Foreign Affairs, that though General Tacon defended the step he threatened to take of arresting the soldiers of Her Britannic Majesty's marines, doing duty on board the "Romney" should they go on shore, by reference to a Royal Order of the 12th March, 1837, in which he is charged not to permit the introduction of free negroes, under any pretext whatever, into Cuba, that this Royal Order could not possibly apply to persons in the service of Her Britannic Majesty, and to request that such orders might be sent to him as would remove the scruples, which a too literal interpretation of the directions of his Government had raised in his mind.

In carrying the instructions into effect, I further pointed out the aptness of these individuals for performing the duties required of them, which are such as in the case of white men would produce a degree of mortality that must render the service impracticable. And I at the same time added, that freemen of colour are seen in all parts of Cuba, not only on board of Her Britannic Majesty's ships, but in the American steam-boats occupied in plying between the Havana and Regla, they are and have been constantly employed; so that the argument of novelty, even as used by General Tacon, and

as repeated by your Excellency, cannot be alleged in favour of the course that authority has thought proper to pursue.

I cannot conclude without adding, that General Tacon has been grossly misinformed as to the object of the black marines on board the "*Romney*," no part of which is to raise recruits, but, on the contrary, to discipline and keep in order the raw negroes placed temporarily on board that ship, and who, if not carefully guarded and properly treated by men who understand their habits and their language, might be productive of real inconvenience to the Government of General Tacon.

I must also be permitted to add, that I cannot think your Excellency justified in confounding soldiers, of whatever colour, in the service of Her Britannic Majesty, placed under the strict discipline of a man-of-war, and belonging to a corps so notoriously steady and respectable as the British marines, with wandering negroes and mulattoes, "contaminated by the fallacious doctrines invented by the revolutionists of both the Old and the New World, and as such likely to cause riots and other fatal evils in the pacific and faithful island of Cuba." To such persons the Royal Order of March 12th, 1837, no doubt applied, and still farther confirms the opinion formed by my Government, that General Tacon had too narrowly interpreted his instructions, which could never mean to include British soldiers, in the quiet and orderly discharge of their duties.

I shall of course lose no time in laying the communication of your Excellency before my Government, but in the mean time I cannot help earnestly repeating the hope, which in my note of the 2nd ultimo I stated was entertained by my Government, that the men employed in this arduous service may not be kept perpetually prisoners, but may be permitted occasionally, and under proper regulations, the indulgence of going ashore.

I have, &c.,

(Signed)

GEORGE VILLIERS.

His Excellency Count Ofalia,
&c. &c. &c.

Third Enclosure in No. 2.

(Translation.)

Count Ofalia to Sir George Villiers.

SIR,

Madrid, 5th January, 1838.

By an involuntary omission in this office under my charge, no mention was made in my note of the 29th ultimo of yours of the 2nd of that month, respecting the Black Soldiers in the service of Her Britannic Majesty, destined to do duty on board the hulk "*Romney*," stationed at the Havana.

So far from the above-mentioned omission having been intentional, you must be convinced of the contrary on learning, as I have the honour to assure you is the case, that in consequence of communication from this office, on taking your above-cited note into consideration, the necessary orders were issued by that of Marine, on the 27th of December last, to the Captain-General of the Island of Cuba, communicating to him the desire of Her Majesty's Government, that the ties of friendship which unite it with that of Her Britannic Majesty be preserved in all their force, and instructing him in consequence to preserve all possible good understanding with the British Commissioners, by endeavouring to settle such difficulties as may have arisen, in as far as it may be compatible with the service of Her Majesty and with the tranquillity of the Island.

From the preceding explanation, which I flatter myself to give to your communication of the day before yesterday, you must perceive the attention which has been paid to your note of December 2nd, and how great is the desire of Her Majesty's Government to give satisfaction to that of Her Britannic Majesty; but although most grateful, and always anxious of treating Great Britain with all possible consideration, it nevertheless cannot cease to pay due attention to the risks, which the Captain-General of Cuba foresees if the Black Soldiers remain at the Havana, upon which account, under date of this day, it requests new data and information from the Captain, which will tend to illustrate the matter completely.

In the meanwhile you must be fully aware of the difference of the danger which may arise from negroes who arrive at that port in vessels of passage, or that which is to be apprehended from soldiers, stationed there in company and constant relation with those of their own colour composing the dépôt; for which reason the observations of the Captain-General, together with those which you have been pleased to make in your above cited notes, having been maturely considered by Her Majesty's Government, which although it appreciates in its just value the accredited discipline of the Royal British Marines, and the straightforward intentions of the British Government, on account of the continual proofs which it has received of its generosity, still hopes that, as "a fresh demonstration, it will think fit to remove from the port of the Havana the Black Soldiers on board the hulk '*Romney*.'"

I avail myself, &c.

Sir George Villiers, G.C.B.,
&c. &c. &c.

(Signed)

THE COUNT OF OFALIA.

No. 3.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, 17th January, 1838.

I HEREWITH transmit to you, for your information, and for communication to the Spanish Government, the accompanying Extract of a Letter upon the subject of the Slave Trade, carried on at Cadiz and in the West Indies, in vessels which sail under the Portuguese Flag, although they are Spanish property and

are reported to belong to a notorious slave-merchant at Cadiz, named Pedro Martinez.

I have, &c.

(Signed)

PALMERSTON.

Sir George Villiers, G.C.B.
&c. &c. &c.

Enclosure in No. 3.

Extract of a Letter, dated Vera Cruz, 26th August, 1837.

On the 5th August instant, after beating off St. Jago for some days on account of the weather, we fell in with a suspicious-looking brigantine, rigged like a ship of war, which, after manœuvring about us in a strange manner all the day (although he might at any hour have come up with us, deeply loaded as we were), in the evening, when we stood out to sea, fired three times, as if ordering us to haul to. I did not hear the shots, nor could I judge of the character of the vessel, but the Master of the vessel, on board of which I was, believing it to be a pirate, and the Havana Government having given public notice of one cruising off St. Domingo, determined, on his own judgment, to change his course during the night-time, and so proceeded on his way to Vera Cruz.

At Lisbon I heard, from respectable authority, that there were 2 vessels well known fitting out, and 3 others suspected of being intended for the Slave-trade. At Cadiz I found this trade carried on to an increasing extent, as I was informed, though under foreign colours; and during the 6 weeks I was unfortunately detained there, few days passed without a vessel sailing for the coast of Africa. Two in particular, the "*Volador*" and the "*Urraca*," which I find several times denounced in the Despatches of the Commissioners at the Havana, sailed under the Portuguese flag, though Spanish property, under the expectation of so escaping the consequences of a search under the Treaty with Spain of the 28th June, 1835. These vessels were said to be the property of a notorious slave-merchant at Cadiz, named Pedro Martinez, who, from very humble origin, has become, by means of the Slave-trade, by repute the wealthiest man in that city, and is said to be the owner of no fewer than 30 vessels engaged in that traffic. Shortly before my arrival he had a very fine vessel brought from England named the "*Creole*," under the command of an Englishman named Jennings. This Jennings took the "*Creole*" to the coast of Africa, with provisions for the slave-ships belonging to Martinez, and came back with the same Bill of Health with which he sailed from Cadiz, for which the authorities there fined him 100 dollars. The "*Creole*" was then prepared for the traffic in slaves, and Jennings was sent back to London in the beginning of June to purchase another vessel for the same purpose. Jennings informed two different persons, who reported it to me, that his employer had given him 50*l.* over his pay for his services, and boasted that not one ship in 20 was taken, whereas if but two out of three escaped they would render ample profit to the owners.

During the time we were off the West India Islands we did not fall in with any of Her Majesty's cruisers, but saw two vessels, one off St. Domingo, and the other off Cuba, which we had good reason to believe were slavers, besides the one which frightened the Master of the "*Munford*" as a pirate, but which I believed to have been hovering about the coast to land a cargo of slaves, for assistance in which, the three shots previously mentioned might have been the signals.

No. 4.

Sir George Villiers to Viscount Palmerston—(Received January 18.)

MY LORD,

Madrid, 7th January, 1838.

I HAVE the honour to enclose the Copy and Translation of a note which I have received from Count Ofalia, in acknowledgment of mine of the 25th August last, announcing that Her Majesty's Government was willing to convey to the British colonies all negroes, without distinction of age or sex, who have been emancipated at the Havana under the provisions of the Slave Treaty.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 4.

(Translation.)

The Count Ofalia to Sir George Villiers.

SIR,

Madrid, 31st December, 1837.

YOUR note of the 25th of August last has been received in this Office under my charge, in which, in consequence of the information which the British Government has received of the manner in which the liberated negroes are treated in the Island of Cuba, you communicate that Great Britain is willing to remove these negroes, without distinction of age or sex, to the British Colonies, where, under the protection of British Law, they will run no risk of being treated as slaves.

Her Majesty's Government, ever desirous of pleasing that of Great Britain, nevertheless cannot venture to take a definite determination upon the said proposal, without exposing itself to commit an error, until it has first received the information, which, under date of this day, it has required from the Authorities of Cuba.

As soon as the necessary information is received from these Authorities, I shall have the honour of communicating to you the result with the least possible delay.

Sir George Villiers, G.C.B.
&c. &c. &c.

I avail, &c.
(Signed) THE COUNT OF OFALIA.

No. 5.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office; 27th January, 1838.

I HAVE received and laid before the Queen your Despatch marked Slave Trade of the 7th instant, containing Copies of your correspondence with the Spanish Minister for Foreign Affairs, respecting the black soldiers employed on board Her Majesty's ship "Romney," stationed as a hulk at the Havana.

I approve of the note which you addressed to Count Ofalia on the 3rd of January, but I regret to find that it has produced nothing more than a general profession on the part of that Minister of the desire of the Spanish Government to give satisfaction to Great Britain, and a promise that further information shall be required from the Captain-General of Cuba, in order that the matter may be set in its true light.

I have now, therefore, to instruct you once more to point out to Count Ofalia, that the various measures which have been adopted at the Havana, for preventing the introduction of negroes and mulattoes, whether slaves or freed-men, into Cuba, cannot by any possible construction be made to apply to a detachment of Her Britannic Majesty's regular army; and that if the regulations in question are in practice so disregarded, that the Captain-General permits free blacks and slaves who come to Cuba, in American and other merchant ships, not only to land but to reside on shore, and mix as they like with the black population of the Island, it is impossible for the Captain-General to pretend that any danger can arise to the tranquillity of Cuba from permitting the black soldiers on board the "Romney" to have occasional intercourse with the inhabitants on shore.

You will also take this occasion to observe, that Her Majesty's Government is sorry to be obliged to declare, that in the objections made by General Tacon to the employment of black troops in a service for which such troops are peculiarly fit, and in his attempt to deprive these troops, because of their colour, of that necessary indulgence of occasionally going on shore, which would be freely granted to any of the other troops in Her Majesty's service, Her Majesty's Government can only see indications of a desire to frustrate, by indirect means, the fair and full execution of the Treaty of 28th June, 1835. General Tacon is, no doubt, a good officer, and loyal subject of the Queen; but Her Majesty's Government regret, that they cannot say that he has shown any disposition to give, by the exercise of his local authority, effectual aid towards the fulfilment of the engagements of the Spanish Crown with respect to the suppression of the slave trade.

I have, &c.

(Signed)

PALMERSTON.

Sir George Villiers, G.C.B.
&c. &c. &c.

No. 6.

Sir George Villiers to Viscount Palmerston.—(Received February 6.)

MY LORD,

Madrid, 27th January, 1838.

I HAVE had the honour to receive your Lordship's Despatches, marked Slave Trade, of the 27th December last, and of the 6th of January of the present year.

I enclose a Copy of the note, which, in obedience to the instructions contained in your Lordship's Despatch last mentioned, I have addressed to Count Ofalia, respecting the negro Slave who had secreted himself on board Her Majesty's ship "Romney," at the Havana.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Lord Viscount Palmerston, G.C.B.
&c. &c. &c.

[Enclosure in No. 6.

Sir G. Villiers to Count Ofalia.

SIR,

Madrid, January 25th, 1838.

I HAVE the honour to inform your Excellency, that I have received the instructions of my Government to communicate to the Government of Her Catholic Majesty the enclosed Papers, forming the correspondence which has taken place respecting a slave who took refuge on board the "Romney," Her Britannic Majesty's receiving ship lying at the Havana.

Your Excellency will find that Lieutenant Jenkin commanding the "Romney," immediately on learning the fact, sent the slave on shore in charge of an Officer, with instructions to deliver him up to the Authorities, and that he is in possession of a written document from them, proving that his orders were obeyed.

Your Excellency will also perceive, that the conduct of Lieutenant Jenkin has been formally approved by Her Britannic Majesty's Minister for Foreign Affairs, Viscount Palmerston, who characterizes it as right and proper.

To His Excellency Count Ofalia.
&c. &c. &c.

I have, &c.

(Signed)

G. VILLIERS.

No. 7.

Sir G. Villiers to Viscount Palmerston.—(Received February 6.)

MY LORD,

Madrid, 27th January, 1838.

WITH reference to your Lordship's Despatch of the 27th ultimo, I have the honour to enclose the Copy of a Note which I have addressed to Count Ofalia, requesting that enquiries might be made, with respect to the conduct of the Sanitary Authorities of Cadiz, in having allowed the *Vencedora* to remain for some time at that port, with twenty-six negroes concealed on board.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 7.

Sir G. Villiers to Count Ofalia.

SIR,

Madrid, January 25th, 1838.

I HAVE the honour to inform your excellency, that information has been received by my Government that the Spanish vessel "*Vencedora*," lately captured for having slaves concealed on board, and carried into the Havana, brought these very slaves into the Port of Cadiz, where she remained several days, having twenty-six of these wretched creatures hidden in her hold.

This vessel sailed from Cadiz in the beginning of last September, and her passengers from the horrid stench that came up from below, and from the extraordinary quantity of rice cooked, were well aware of the atrocious act of inhumanity which was taking place, but during the whole voyage not one of these unhappy creatures was permitted to see the light or breathe the fresh air.

The "*Vencedora*" had procured these slaves in the River Congo, brought them round by Cadiz, kept them in the closest confinement during the time that the vessel remained at that port, and subsequently conveyed them to the Havana in the horrible manner I have had the honour to lay before your Excellency.

I need not point out to your Excellency, that crimes of this kind are flagrant violations of the Treaties concluded between Great Britain and Spain for the suppression of the Slave Trade, for they are violations of the first principles of humanity, and I should feel that I was but offending your Excellency if I were to quote a Treaty in order to induce your Excellency to inquire into the circumstances attendant upon the stay of the "*Vencedora*" in Cadiz, and to ascertain whether the Sanitary Authorities were aware of the crime that was being committed within their jurisdiction, and if not, how they came so far to neglect the duty which they owe to the public health, as to permit a vessel to remain unsearched, which from the quarter whence it had come, and the state in which it must have been in, was calculated to spread pestilence through the land.

Your Excellency will also be pleased to permit me to take this opportunity of asking, whether the Government of Her Catholic Majesty is as yet prepared to submit to the Cortes a Law for the severe punishment of persons convicted of being concerned in the Spanish Slave Trade, according to the stipulations of the Treaty (Art. 2nd) of June, 1835, for the abolition of the Slave Trade celebrated between His late Britannic Majesty and Her Majesty the Queen of Spain.

I have, &c.

(Signed)

GEORGE VILLIERS.

To His Excellency Count Ofalia,
&c. &c. &c.

No. 8.

Sir George Villiers to Viscount Palmerston.—(Received February 6.)

MY LORD,

Madrid, 27th January, 1838.

I HAVE the honour to enclose the Copy and Translation of a note, which I have received from Count Ofalia, in answer to mine of the 27th October last to Mr. Bardaxi, requesting that the descriptive lists of negroes, found on board slave ships condemned by the Mixed Court of Justice at the Havana, may be made after their removal from the vessels in which they were captured.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 8.

(Translation.)

Count Ofalia to Sir George Villiers.

SIR,

Madrid, 24th January, 1838.

HAVING taken into consideration the note which you addressed to my predecessor on the 27th of October last, in which you request that the necessary orders may be issued, in order that the Spanish Members of the Mixed Court of Justice in the Havana should act according to the stipulation of Article 2 of Annex C, in the Treaty of 1835, between Spain and Great Britain for the Abolition of the Slave Trade, in order to form the descriptive list of those individuals who may be on board any vessel condemned by the said Court; I have the honour to acquaint you in reply, that Her Majesty's Government, desirous of taking a determination upon the subject in question, has resolved that the Captain-General of Cuba be instructed to report upon it immediately, taking the opinion of the Spanish Commissioners of the said Mixed Court.

I avail myself, &c.

The British Minister.

(Signed)

THE COUNT OF OFALIA.

No. 9.

Sir George Villiers to Viscount Palmerston.—(Received February 12.)

MY LORD,

Madrid, 3rd February, 1838.

I HAVE the honour to enclose the Copy and Translation of a note, which I have received from Count Ofalia, in answer to mine dated the 28th ultimo, respecting a negro slave, who had secreted himself on board Her Majesty's ship "Romney," at the Havana.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 9.

Count Ofalia to Sir George Villiers.

SIR,

Madrid, January 29th, 1838.

I HAVE the honour to inform you, in reply to the note which you have been pleased to address to me under date of the 25th instant, inclosing Copies of the correspondence which has taken place in consequence of a slave having taken refuge on board the hulk "Romney," lying at the Havana, and from which it appears that her Commander, Lieutenant Jenkin, sent the said slave on shore in charge of an Officer, with orders to deliver him up to the local authorities; that Her Majesty the Queen Regent, before whom I have laid your note and its inclosures, is satisfied with all that has been done, and with the proof of respect to the laws of the country, given by Lieutenant Jenkin, and being much pleased that Her Britannic Majesty's Minister, Viscount Palmerston, has approved the conduct of that Officer.

I avail myself, &c.

Sir George Villiers, G. C. B.

(Signed)

THE COUNT OF OFALIA.

&c.

&c.

&c.

No. 10.

Sir George Villiers to Viscount Palmerston.—(Received February 12.)

MY LORD,

Madrid, 3rd February, 1838.

I HAVE the honour to enclose the Copy and Translation of a note, which I have received from Count Ofalia in acknowledgment of mine dated the 25th ultimo, respecting 26 negroes concealed on board the *Vencedora*.

I have, &c.

(Signed)

GEORGE VILLIERS

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 10.

(Translation.)

Count of Ofalia to Sir George Villiers.

SIR,

Madrid, 29th January, 1838.

HAVING taken into consideration the contents of the note which you have been pleased to address to me on the 25th instant, complaining that the Spanish vessel "*Vencedora*," lately captured for having slaves on board, previous to her departure for the Havana, remained several days in the Port of Cadiz, having 26 of these wretched creatures hidden in her hold; I hasten to assure you that I shall have the honour of communicating to you the result of the inquiries, which have been ordered to be made at Cadiz, for ascertaining the truth of this matter.

I avail myself, &c.

(Signed)

THE COUNT OF OFALIA.

The British Minister,

&c. &c. &c.

No. 11.

Sir George Villiers to Viscount Palmerston.—(Received February 19.)

MY LORD,

Madrid, 10th February, 1838.

I HAVE had the honour to receive your Lordship's Despatches, marked "Slave Trade," of the 17th and 27th ultimo.

In conformity with the instructions contained in the former of these Despatches, I have forwarded to Count Ofalia, in a note, of which I enclose the copy, the extract of a letter, respecting the Slave Trade carried on from Cadiz under Portuguese colours.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 11.

Sir G. Villiers to Count Ofalia.

SIR,

Madrid, February 7th, 1838.

I HAVE the honour to enclose to your Excellency, according to the instructions I have received from my Government, the translation of an extract of a letter, from which your Excellency will, I am sure, learn with regret that the Spanish slave trade is still being carried on to a great extent under Portuguese colours, and that a Spaniard, resident in one of the principal mercantile towns of the Peninsula, is notoriously engaged in this odious traffic.

I have, &c.

(Signed)

GEORGE VILLIERS.

His Excellency Count Ofalia,

&c. &c. &c.

Second Enclosure in No. 11.

(Translation.)

Count Ofalia to Sir G. Villiers.

SIR,

Madrid, February 9th, 1838.

UNDER date of this day, and by Her Majesty's command, enquiries are made at the Havana, respecting the facts and circumstances mentioned in the Translation of the Extract from a letter, enclosed in the note which you were pleased to address to me on the 7th instant; at the same time giving orders that the precautions for the prevention of frauds and abuses in this matter be redoubled. I hasten to inform you of this, in reply to your note above cited.

I avail myself, &c.

(Signed)

THE COUNT OF OFALIA.

The British Minister,

&c. &c. &c.

No. 12.

Sir George Villiers to Viscount Palmerston.—(Received Feb. 26.)

MY LORD,

Madrid, 17th February, 1838.

I HAVE the honour to enclose the Copy and Translation of a Note, which I have received from Count Ofalia, in answer to one I addressed to Mr. Isturiz, on the 29th July, 1836, claiming the fulfilment of the Treaty for the Abolition of the Slave Trade, with reference to a complaint from the Mixed Commission at the Havana, that four Spanish vessels had landed their cargoes of slaves on the coast of Cuba.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 12.

(Translation.)

Count Ofalia to Sir George Villiers.

SIR,

Madrid, February 15th, 1838.

THE Note which you were pleased to address to this Office on the 29th of July, 1836, claiming the fulfilment of the Treaties existing between the two nations, on account of intelligence which had been received of the arrival at the Havana of four Spanish vessels from the Coast of Africa, all of which had previously succeeded in landing their cargoes upon the coast of Cuba, was transmitted to the Captain-General of that Island on the 7th August of that same year, with instructions to adopt energetic and repressive measures for causing the Treaties to be fulfilled, and for preventing their being eluded in the manner you stated.

I have now the honour to inform you, that the said Captain-General has answered, that the instructions contained in the Royal Order of the 7th August will be duly carried into effect by him; but that he could not abstain from offering some observations upon the said Note.

The intelligence, he says, of the arrival at the Island of vessels with slaves from the Coast of Africa and of disembarkation, which is not given by the British cruisers or Commissioners cannot serve as a charge against him, who has always been ready to cooperate with active measures towards the abolition of such traffic, which it is almost impossible to suppress entirely in an extent of nearly 600 leagues of coast.

The Mixed Commission can bear witness to the activity with which he has proceeded in the cases denounced by the British Commissioners.

The complaint, he adds, of the public journals having ceased to publish the departure of vessels for Africa, is unfounded, because no reason exists for concealing such departure, as commerce in general with that country is not prohibited, and as the British ships of war are at liberty to examine them.

He says, finally, that the Government never interferes in the announcements which the owners or masters of vessels may make.

Although this answer is somewhat retarded, I consider it a duty to forward it to you, in reply to the complaint made in the Note above-mentioned.

Availing myself, &c.

(Signed)

THE COUNT OF OFALIA.

The British Minister,

&c.

&c.

No. 13.

Sir George Villiers to Viscount Palmerston.—(Received Feb. 26.)

MY LORD,

Madrid, 17th February, 1838.

I HAVE the honour to enclose the Copy of a Note, which in obedience to the Instructions contained in your Lordship's Despatch, marked "Slave Trade," of the 27th of January, 1838, I have addressed to Count Ofalia, respecting the black soldiers employed on board Her Majesty's ship "Romney," at the Havana.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 13.

(Copy.)

Sir G. Villiers to Count Ofalia.

SIR,

Madrid, February 14th, 1838.

HAVING laid before my Government the correspondence which passed between your Excellency and myself, with respect to the Order issued by General Jacón prohibiting the men of colour belonging to Her Britannic Majesty's Marines on board the "Romney" lying in the port of Havana from going

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C

ashore, I have the honour to inform your Excellency, that my Government regrets that the Note which I had the honour to address to your Excellency, on the 3rd of last month, should have produced nothing more than a general profession of the desire of the Government of Her Catholic Majesty to give satisfaction to that of Great Britain, and a promise that further information should be required from the Captain-General of Cuba, in order that the matter may be set in its true light.

I have accordingly received the further instructions of my Government to point out once more to your Excellency, that the various measures which have been adopted at the Havana for preventing the introduction of negroes and mulattoes, whether slaves or freedmen into Cuba, cannot by any possible construction be made to apply to a detachment of Her Britannic Majesty's regular army, and that if the regulations in practice are so disregarded, that the Captain-General permits free blacks and slaves who come to Cuba in American and other merchant ships, not only to land, but to reside on shore and mix as they like with the black population of the Island, it is impossible for the Captain-General to pretend that any danger can arise to the tranquillity of Cuba, from permitting the black soldiers on board the "Romney" to have occasional intercourse with the inhabitants on shore.

I am also directed to observe to your Excellency, that Her Britannic Majesty's Government is sorry to be obliged to declare, that in the objections made by General Tacon to the employment of black troops on a service for which such troops are peculiarly fit, and in his attempt to deprive these troops because of their colour, of that necessary indulgence of occasionally going on shore, which would be freely granted to any of the other troops in Her Britannic Majesty's service, Her Britannic Majesty's Government can only see indications of a desire to frustrate by indirect means the fair and full execution of the Treaty of June 28th, 1835.

Her Britannic Majesty's Government, in acknowledging that General Tacon is a good officer and a loyal subject of the Queen, regret to observe, that he has not shown any disposition to give by the exercise of his local authority, effectual aid towards the fulfilment of the engagements of the Spanish Crown with respect to the suppression of the slave trade.

His Excellency Count Ofalia.

I have, &c.
(Signed) GEORGE VILLIERS.

No. 14.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, March 6, 1838.

I HAVE received your Despatch, marked "Slave Trade," of the 10th February, 1838, on the subject of the black soldiers employed on board the "Romney" hulk at the Havana.

I transmit to you, for your guidance in communications on the subject with the Spanish Government, the accompanying Copy of a Letter from the Under-Secretary of State for the Colonial Department, containing some observations made by Lord Glenelg, with reference to your letter of the 3rd of January last upon this point.

Sir G. Villiers, G.C.B.
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

Enclosure in No. 14.

Mr. Stephen to the Hon. Mr. Fox Strangways.

SIR,

Downing-street, 13th February, 1838.

I HAVE laid before Lord Glenelg your Letter and Enclosures dated the 27th ultimo, on the subject of the demand preferred by the Captain-General of Cuba for the removal of the black soldiers from on board the "Romney" at Havana. His Lordship desires me to request that you would observe to Viscount Palmerston, with reference to Sir George Villiers' Letter of the 3rd January, that although Sir George is quite right in denying that the troops on board the "Romney" are destined for any general purpose of recruiting, yet that it may be proper to observe, that they will be made instrumental to the enlistment of any captured Africans received under the Treaty, who may be found willing to enter Her Britannic Majesty's military service; and who, when enlisted, will proceed by the earliest opportunity to join the corps to which they are to belong.

Lord Glenelg would further add, that there is nothing in this employment of the guard on board the "Romney" which can occasion any inconvenience to the Spanish authorities of Cuba; and that, on the contrary, it is a proceeding consequent on a Treaty, the effect of which is to relieve those authorities from the inconveniences they had cause to apprehend if the liberated Africans had remained in the Island of Cuba.

I have, &c.
(Signed) JAMES STEPHEN.

No. 15.

Sir George Villiers to Viscount Palmerston.—(Received March 6.)

MY LORD,

Madrid, 14th Feb. 1838.

I HAVE the honour to enclose the Copy and Translation of a Note, which I have received from Count Ofalia, in answer to the one which I addressed to Mr. Bardaxi, on the 7th September last, respecting the conduct of Lieutenant

Cruz, of the Spanish brig of war *Teresita*, in not having carried for adjudication before the Mixed Commission at the Havana a vessel which he had captured under suspicion of being engaged in the Slave Trade.

I have, &c.

(Signed) GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 15.

(Translation.)
SIR,

Count Ofalia to Sir G. Villiers.

Madrid, February 15th, 1838.

IN your Note of the 7th of September last, you made a complaint against Lieutenant Cruz, the commander of the Spanish ship of war "*Teresita*," for having seized a schooner in the entrance of the harbour of Guautanamo, Island of Cuba, as having every appearance of being occupied in the slave trade, and not having brought in his prize for adjudication before the Court of the Mixed Commission at the Havana.

Communication was made of the above-mentioned Note, by my predecessor, to the Minister of Marine and Colonies, in order that, the certainty of the statement contained in it being ascertained, the guilty party should be proceeded against with all the rigour of the law.

The Minister of Finance states in reply, that, according to what he has learned from the Commandant-General of the Havana station, the lawsuit formed in consequence of the capture of the schooner "*Matilda*" by the pilot-boat of war "*Teresita*," had been brought before the Mixed Commission of that capital, which is doubtless the case to which you refer, but that he should lay before her Majesty the complaint of the Commandant-General, against the manner in which the said Board has neglected to address itself to him directly as chief of a tribunal, and of a branch independent of the Captain-Generalcy of that Island.

I have the honour to communicate to you the above circumstances, in reply to your Note on this subject, and avail myself, &c.

(Signed)

THE COUNT OF OFALIA.

Sir G. Villiers,
&c. &c. &c.

No. 16.

Sir George Villiers to Viscount Palmerston.—(Received March 13.)

MY LORD,

Madrid, March 3d, 1838.

I HAVE the honour to enclose the copy and translation of a note, which I have received from Count Ofalia in answer to mine of the 19th of January, 1837, complaining of the conduct of the Custom-House authorities of St. Jago de Cuba, in having permitted 120 pairs of leg-irons to be shipped on board the "*Eliza*."

I have, &c.

(Signed)

GEO. VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 16.

(Translation.)

Count Ofalia to Sir G. Villiers.

SIR,

Madrid, February 22nd, 1838.

I HAVE the honour to inform you, that in consequence of the communication made by this Office on the 21st January, 1836, to that of Finance, which was made known to you under that date, in answer to your Note of the 19th of that month, peremptory orders were given to the Military Intendente at the Havana, that the fact being ascertained of the Officers of the Custom House of St. Jago de Cuba having given formal permission to the vessel "*Eliza*," to carry on board 120 pair of leg shackles, the guilty party should be duly punished for the violation of an existing Treaty between the two countries.

The Minister of Finance has transmitted to this Office the Despatch received from the said Intendente in reply, enclosing a Copy of the proceedings taken at St. Jago de Cuba, for the verification of the above stated circumstance, and notwithstanding that the Tribunal of the Intendency has not found the crime sufficiently proved for proceeding to impose the corresponding punishment, the said Military Intendant has taken the proper measures and given positive orders for preventing the infringement in any case of the 10th Article of the Treaty concluded on the 28th June, 1835, for the abolition of the Slave Trade.

I avail myself, &c.

(Signed)

THE COUNT OF OFALIA.

To the British Minister,
&c. &c. &c.

No. 17.

Sir George Villiers to Viscount Palmerston.—(Received March 13.)

MY LORD,

Madrid, March 3, 1838.

I HAVE the honour to enclose the copy and translation of a note, which I have received from Count Ofalia in reply to mine of the 14th ultimo, respecting the black soldiers employed on board Her Majesty's ship, "Romney," at the Havana.

I have, &c.

(Signed)

GEO. VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 17.

(Translation.)

Madrid, February 25th, 1838.

SIR,

I HAVE the honour to acknowledge the receipt of your Note of the 14th instant, in which you are pleased to communicate to me that your Government, before whom has been laid the correspondence which has taken place between yourself and this Office, relative to the black soldiers now on board the hulk "Romney" lying in the Port of the Havana, being permitted to go ashore, regrets that your Note of the 3rd of last month had produced nothing more than a general profession of the desire of Her Majesty's Government to give satisfaction to that of Great Britain, and a promise that in order that the matter may be set in its true light, further information should be required from the Captain-General of Cuba.

You will permit me to remind you that in my last communication of the 5th January upon this subject, there is something more than that which you are pleased to state; for in it you were informed that through the Ministry of Marine, orders had been given to the said Captain-General to endeavour to arrange the difficulties which had arisen in this affair in as far as was compatible with Her Majesty's Service, and with the tranquillity of the Island.

This authorization will serve to enable him to permit the black soldiers in question to go ashore occasionally, under certain regulations and restrictions, which you yourself acknowledge to be necessary, and if he does not permit this, it will be on account of obstacles, which, in his opinion, deserve being laid before the Government.

The doubt may consist in this, that it is not the question of some wandering emancipated negroes, but of individuals who reside there for a long period of time, and who, from their being frequently on shore, may form relations with the slaves residing in the Island, and spread revolutionary ideas amongst them.

You are aware how skilful are those persons who under the name of *Abolitionists*, coming chiefly from the United States, avail themselves of all opportunities for creating insubordination among the black slaves, and who well know that emancipated blacks, arriving from foreign colonies, might be a channel for spreading their maxims amongst the slaves of the Island of Cuba; and it would not be difficult, frustrating the vigilance of the Officers of the British soldiers, and these soldiers going frequently on shore, that they would wish to make them the instrument of their machinations and pernicious intrigues.

These, or other similar reasons, it will be which the Captain-General of Cuba will have had for opposing himself to the going ashore of the said black soldiers; but if any means should be found there of arranging everything, it is to be hoped that the new Captain-General will adopt it, or will consult Her Majesty respecting it, in consideration of the Royal Order communicated to him through the Ministry of Marine.

I avail myself, &c.

(Signed)

THE COUNT OF OFALIA.

No. 18.

Sir George Villiers to Viscount Palmerston.—(Received March 13.)

MY LORD,

Madrid, March 3, 1838.

I HAVE the honour to enclose the copy of a note, which I have addressed to Count Ofalia, calling the attention of His Excellency to my correspondence with his predecessors, respecting the form of bond to be given by the owners of vessels trading to the coast of Africa, upon the exportation of casks intended to contain palm oil.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 18.

(Copy.)

*Sir George Villiers to Count Ofalia.**Madrid, March 1st, 1838.*

Sir,

In the month of June, 1836, I had the honour to propose to the Government of Her Catholic Majesty the adoption of some fixed form of security, to be exacted from the owners of vessels trading to the coast of Africa, and entering outwards in a Spanish Port, an extraordinary number of casks to contain palm oil, according to the 10th Article of the Treaty for the Suppression of the Spanish Slave Trade concluded in June, 1835.

At the same time I enclosed for the information of the Spanish Government the forms which the Government of Her Britannic Majesty had approved, stating that it would be convenient to observe as much uniformity as possible.

In July last I received from Mr. Calatrava an Answer to the Note of the previous year, in which His Excellency observed that no objection existed to the adoption of the forms I had enclosed to him, except to one clause.

In my reply, which was made immediately on the receipt of His Excellency's Note, I explained that the clause in question had been misunderstood, and that there was no difference between the security which the Spanish Government proposed to exact, and that required by the English Government.

I further observed that any form which was binding upon a Spanish subject, and thus afforded the security contemplated by the Treaty would be satisfactory to my Government; and I concluded by urging that that form, whatever it might be, should be adopted with as little delay as possible, in order that it should be forwarded to the Mixed Commissions, to aid them in coming to just decisions in the cases brought before them.

Thus as the Government of Her Catholic Majesty had hesitated in proceeding to the conclusion of this most simple affair only from a difficulty as to a part of the form, and as I declared, first, that the model I had enclosed had been misunderstood, and that my Government meant by that Document no more than the Spanish Government was willing to adopt, and that, secondly, there was no necessity to adopt the English form, but that any binding Document would be satisfactory, nothing remains to be done but the drawing out a simple certificate or guarantee.

Seven months having, however, now elapsed without my having received any communication in answer to my Note, I beg to recal the subject to your Excellency's notice, and to request that your Excellency will be pleased to give such directions respecting it as will enable me shortly to communicate to my Government a Copy of the form of bond and certificate that the Government of Her Catholic Majesty has thought fit to direct should be made use of.

To His Excellency Count Ofalia,
&c. &c. &c.

I have, &c.
(Signed)

GEORGE VILLIERS.

No. 19.

Sir George Villiers to Viscount Palmerston.—(Received March 18.)

MY LORD,

Madrid, March 10, 1838.

I HAVE the honour to inform your Lordship, that I have taken occasion to draw the attention of Count Ofalia to the recent debate in the House of Lords upon the subject of the Slave Trade, and to point out to His Excellency how much the honour and good faith of the Spanish Government were concerned, in not allowing any further delay in the enactment of a penal law against all Spanish subjects concerned in that barbarous traffic.

Count Ofalia said, that the affairs of pressing importance in which he had been engaged since he came into office, had hitherto prevented his attending to the stipulations of the Treaty of 1835, but he promised to make inquiries with respect to the steps taken by his predecessors upon the matter, and to lose no time in fulfilling the engagements by which this country is bound to Great Britain.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

No. 20.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, March 22, 1838.

IN my despatch to you of the 23d of August last, I directed you to complain to the Spanish Government against the conduct of Lieutenant Cruz of the Spanish vessel "*Teresita*," for neglecting to take before the Mixed Court at the Havana the Spanish vessel "*Matilde*," upon a charge of her being met with, equipped for Slave Trade.

I have since received further communications upon this subject from Her Majesty's Commissioners at the Havana; and I now transmit copies of them to you.

I have also received your despatch, of the 24th of February, containing Count Ofalia's answer to your complaint.

I perceive, in both these last mentioned communications, that the Spanish Government have evaded the real question at issue, by insisting upon a point of form, as to the mode, in which the Mixed Commission at the Havana addressed the Captain-General, when communicating to him the information which they had received upon the case.

The real question at issue is, whether Lieutenant Cruz of the Spanish pilot-boat, the "*Teresita*," shall or shall not be punished for an infraction of the Treaty of the 28th of June, 1835, between Great Britain and Spain.

The facts are as follows:—

Her Majesty's ship "*Vestal*" in her passage from Port au Prince to St. Jago de Cuba, perceived and chased on the 4th of May, 1837, a vessel suspected of Slave Trade. But that vessel was boarded by the Spanish vessel "*Teresita*" before the "*Vestal*" could reach her.

The officer of the "*Vestal*," on boarding likewise the suspected vessel, found that her name was the "*Matilde*," and that she was equipped for the Slave Trade. The people on board of her declared that she was a prize to the "*Teresita*;" and the Commander of the "*Teresita*" himself confirmed that statement, by declaring that he had that day at 11 A. M., "seized the schooner, under the provisions of the late Treaty with Great Britain, for being fitted out for the Slave Trade."

The Captain and Officers of Her Majesty's ship "*Vestal*," having respect to the flag of Her Catholic Majesty, and believing the statement of an Officer in Her Catholic Majesty's Service, declined to interfere further with the case; supposing the vessel to be then in progress to be carried to the Havana, where she would have been brought before the Mixed Commission established at that place for adjudging cases under the Treaty.

Instead, however, of carrying the "*Matilde*" to that place, the Commander of the "*Teresita*" sent her to St. Jago de Cuba; and, when the Commissioners at the Havana were expecting her arrival, they were informed officially by the Spanish authorities, that Lieutenant Cruz detained her, not as he had stated to the Officer of the "*Vestal*," on account of her being equipped for Slave Trade, but on account of her appearing to be a smuggler; and that having been acquitted of that charge by the authorities at St. Jago de Cuba, the vessel had been liberated.

The British Commissioners were afterwards furnished with a deposition by Lieutenant Cruz, which stated that he had sent the "*Matilde*" to St. Jago de Cuba, instead of to the Havana, because she was leaky, and in order that she might be repaired.

But no reason is given in that deposition to show why, after being repaired, she might not have been sent to the Havana; and no explanation is offered as to the difference between the several statements, made by Lieutenant Cruz, with respect to the cause why the "*Matilde*" had been detained by him.

The repairs could not have required any great time to be completed, nor could she have been in a very bad condition; for it appears that upon liberation, she proceeded direct, and without delay, to the coast of Africa; that so soon as on the 15th of October in the same year, she took in on that coast, a cargo of slaves, and that she was returning to St. Jago de Cuba, with 250 negroes on board, when she was met with by Her Majesty's ship "*Snake*," was carried into the Havana, was adjudicated and condemned; and it appears that she was at the end of that voyage, perfectly sea-worthy.

I have to instruct you, under these circumstances, to press again upon the Spanish Government the just complaint of Her Majesty's Government against Lieutenant Cruz, the original grounds of which complaint are, as you will perceive, entirely confirmed by the accompanying papers.

You will now demand the dismissal of that officer from the Spanish service, for having made a false statement to the English Naval Officer, in order to defeat the object of the Treaty, and to protect from capture and condemnation a vessel which has been proved to have been at that very time, prepared and fitted out for a slave trade expedition.

Sir G. Villiers, G.C.B.
&c. &c. &c.

I am, &c.
(Signed) PALMERSTON.

No. 21.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, 23rd March, 1838.

I HAVE received your Despatch, Slave Trade, of the 10th instant. I approve of your having drawn the attention of Count Ofalia to the recent debate in the House of Lords, upon the subject of the Slave Trade.

You will further state to Count Ofalia, that you only anticipated, in this respect, the Instructions of Her Majesty's Government, and that the British Cabinet can entertain no doubt that the Cabinet of Madrid will no longer delay to fulfil the engagements, contracted by Spain in the 2nd article of her Treaty with Great Britain of the 28th of June, 1835, to promulgate a Penal Law, inflicting a severe punishment on any subject of Her Catholic Majesty, who shall, under any pretext, take any part whatever in the traffic in slaves.

I am, &c.

(Signed)

PALMERSTON.

Sir George Villiers, G.C.B.

&c. &c. &c.

No. 22.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, 23rd March, 1838.

I TRANSMIT to you herewith, for your information, the accompanying Copy of a Despatch, and of its Enclosures, from Her Majesty's Commissioners at the Havana, containing a General Report of the Slave Trade at the Havana during the year 1837.

I am, &c.

(Signed)

PALMERSTON.

Sir George Villiers, G.C.B.

&c. &c. &c.

Enclosure in No. 22.

Havana Commissioners to Viscount Palmerston.

January 1st, 1838.

(See Class A. of this Series, No. 43.)

No. 23.

Viscount Palmerston, to Sir George Villiers.

SIR,

Foreign Office, 27th March, 1838.

I HEREWITH transmit to you Extracts from Despatches received from Her Majesty's Commissioners at Sierra Leone, stating the cases of slave-vessels recently adjudicated at that place.

All these vessels, it appears, were proceeding on a Slave expedition to the Havana; and one of them, the "*Ligeira*," had received Certificates from the Custom House of that place, setting forth that the extra quantity of casks which she had on board were destined for the reception of Palm oil.

You will communicate to the Spanish Government the facts contained in these Papers, and urge the Spanish Minister to give directions, that greater caution shall in future be used in granting similar Certificates, and that they shall not be given without a bond to a large amount, which shall be forfeited to the Government, upon proof of the illegal purpose to which the prohibited Articles shall appear afterwards to have been applied.

I have, &c.

(Signed)

PALMERSTON.

Sir George Villiers, G.C.B.

&c. &c. &c.

Enclosures in No. 23.

Extracts from Sierra Leone Commissioners.

Despatches of 16th, 28th and 29th December, 1837.

Reporting the Cases of the "*Felicidade*," "*Traga Milhas*," and "*Legeira*."

(See Class A. of this Series, Nos. 15, 16 & 17.)

No. 24.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, 6th April, 1838.

I HEREWITH transmit to you Copies of Papers relative to the case of the Spanish brig "*General Laborde*," adjudicated in the Mixed Court of Justice established at the Havana, under the Treaty concluded with Spain in June, 1835, for the complete suppression of the Slave Trade.

From the Papers relating to this case, it appears that the vessel in question, when captured, had on board almost every one of those things which are declared, in the 10th Article of the Treaty of 1835, to furnish *prima facie* evidence, that a vessel is actually employed in Slave Trade. She had also on board a quantity of Tobacco, and she was said to be bound on a voyage to Cadiz: the evidence went to show, that many of the prohibited articles had, for a previous voyage, been furnished by the Intendency of Cuba, and some few of them had, in that previous voyage, been wanted for a legal purpose. The voyage on which it was said that those articles had been wanted for a legal purpose had been completed; the vessel had returned to Cuba from that voyage; and she was detained while proceeding on a new voyage, having with her all the prohibited articles which she had on board in the former voyage; some of them, it must be borne in mind, furnished originally at Cuba, from which island she was then proceeding; and no evidence whatever was brought forward to show, nor indeed was it even asserted, that all the prohibited articles, or any of them, were wanted, or could be wanted, for any legal purpose on the voyage, on which her owners stated that she was proceeding when she was detained.

The case was brought before the Mixed Court; the British Commissioner was of opinion, that the vessel ought to be condemned; the Spanish Commissioner declared himself of opinion that she ought to be liberated:—The case was, therefore, left to Arbitration; an Arbitrator was chosen by lot; that Arbitrator was Spanish, and he decided for the liberation of the vessel.

It will be seen, from the judgment given on this vessel in the Mixed Tribunal, that the sentence was passed without due attention to the circumstance which constitutes the ground on which the vessel was detained, although, on the proof or disproof of that circumstance, the Condemnation or Liberation of the vessel ought to have depended.

That circumstance was, that the vessel had the forbidden articles on board *on the very voyage on which she was captured*: and that fact having been ascertained, the point remaining to be determined, according to the evident intention of the 10th Article, was, whether the prohibited articles had been put on board, and had been needed for legal purposes, on the particular voyage on which the vessel was proceeding when detained; and if such necessity could not be proved, the vessel became justly subject to condemnation.

It is not to be denied, that there is an expression in the latter part of the 10th Article of the Treaty, which gives an opening for a construction different from the evident intention and spirit of the Treaty, because that expression, in its most limited sense, says only, that the evidence to be brought by the Master or the Owner, shall establish that the vessel was, at the time of her detention or capture, employed on some legal pursuit.

The Equipment Article was, however, drawn up with a wider view; and the narrow interpretation which I have mentioned will, if persisted in, do away the whole effect of the Equipment Article; for vessels, having any or all of the prohibited things on board, may escape punishment, although no evidence is brought forward to prove that such things were put on board for any legal purpose, if only evidence be produced that at a previous period some of those things had once been wanted for a legal purpose: and, indeed, even such last-mentioned evidence would become unnecessary, if Papers were produced, tending to show, that the vessel was,

at the time of capture, proceeding to a place where she could not carry on Slave Trade.

But such Papers and Evidence, it is well known, may be easily, and at any time, fabricated and produced; and if such assertions are to stand good as a defence against the actual presence of prohibited things on board, and not accounted for by any evident legal purpose, that provision, which was intended to form one of the chief barriers against the artful and clandestine undertakings of Slave Traders, will become of little avail.

Far different was certainly the intention of Great Britain: far different was also the intention of Spain, as expressed in the Preamble to the Treaty; which Preamble declared it to be the "desire" and purpose of both the Contracting Parties thereto, "to render thereby the means taken for abolishing the inhuman Traffic in Slaves more effective."

The whole tenour of the Treaty is in conformity with this view.

The 1st Article declares the Spanish Slave Trade to be thenceforward "totally and finally abolished in all parts of the world."

By the 2nd Article, the Queen of Spain engages, that "immediately after the Treaty, and from time to time afterwards, as it may become needful; Her Majesty will take the most effective measures for preventing her subjects from being concerned in, or carrying on, in any way, the Trade in Slaves."

The 4th Article declares, that the measures to be taken by the Treaty, were taken "in order completely to prevent the infringement of the spirit" thereof: and Article 10, framed with the same intent, declares that every vessel, equipped as the "*General Laborde*" was equipped, is to be detained; and that such things as the "*General Laborde*" had on board are to be considered as *prima facie* evidence, that the vessel which has them on board is "actually employed in Slave Trade;" and, according to the spirit of the article, she is to be condemned, unless such evidence be rebutted: but such evidence cannot properly be rebutted, except by evidence showing some legal purpose for which the forbidden things were immediately required.

Her Majesty's Government do not wish, however, to disturb the sentence of the Court in the particular case of the "*General Laborde*;" because, whatever may have been the ground on which it was given, Her Majesty's Government consider that by the Treaty the sentence must be final. But I have to desire, with a view of preventing the evil effects, which must ensue from a repetition of a similar sentence on similar grounds, that you will protest in a formal manner against the construction put upon the Treaty in the case of this vessel; and that you will urge the Spanish Government to issue to Her Catholic Majesty's Commissioners at the Havana, instructions, to construe Article 10 of the Treaty according to the sense in which I have represented its intention and spirit, and to give, in future, their sentence accordingly.

If, however, the Government of Spain defends the sentence of the Spanish Commissioners, on the ground that Article 10 cannot, without a formal Declaration, be interpreted otherwise, than in the sense in which they have interpreted it, you will then, in virtue of the 2nd Article, above quoted, call upon the Government of Her Catholic Majesty to issue a Declaration, and to give corresponding instructions to the Commissioners of Spain at the Havana, to the effect, that the construction which is to be placed upon the words contained in the last paragraph of the 10th Article of the Treaty of 1835, is, that a vessel having on board, during the voyage on which she is taken, all or any of the things prohibited under the 10th Article of the Treaty, is, when brought before the Mixed Tribunal on that account, to be considered as being employed in the Slave Trade, and is to be condemned accordingly, unless, with respect to every prohibited thing on board, there is clear and incontestible evidence, that it was needed for legal purposes, on the particular voyage on which the vessel, when captured, was proceeding.

The circumstances which took place subsequently to the liberation of this vessel, show still more strongly, the justness of the argument which I have employed on this case.

The British Commissioners, with the view of preventing the "*General Laborde*" from evading in future the intentions of the Treaty, when, after the trial, the vessel was about again to quit the port, thus illegally equipped, represented to the Captain-General the fact of the illegality of the equipment of the vessel; but the Captain-General, in answer, declined to interfere, alleging as a reason, that the things which

were on board *not having sufficed to condemn her*, it would be an act of injustice to cause to be destroyed that, which had been qualified as good, *and which had been permitted by the sentence of the Mixed Court.*

It thus appears, that the things which are prohibited by the Equipment Article have, in the opinion of the Captain-General, become legalized by the sentence of the Court, which declared that they were not sufficient to condemn the vessel.

The conclusion to which the Spanish Functionary arrived, in his reasoning upon the subject is, in fact, the same which I have desired you, in the former part of this Despatch, to place before the Spanish Government, as that which must be come to, and which will necessarily be acted upon, if a construction be not put upon the Treaty different from that which was placed upon it by the Spanish Commissioners; and the result, which in the early part of this Despatch I have contemplated as likely often to occur, if your representation is not attended to, has already happened in the case of the "*General Laborde*."

You will, therefore, at the time when you urge the Spanish Government to issue the Declaration above-mentioned, on the construction to be given to the words at the end of the 10th Article of the Treaty of 1835, state that Her Majesty's Government consider that the departure from a Spanish port of any vessel, having on board any of the things mentioned in Article 12 is, *prima facie*, a virtual infraction of the Treaty; and you will call upon the Spanish Government to issue strict orders to the Captain-General, that he will not, under any circumstances, permit any vessel to sail from any port under his control, when such vessel may have on board any of the things above referred to; with the exception of such of them as by incontestible evidence may be proved to be wanted for legal purposes, on the particular voyage on which the vessel is then proceeding.

I am, &c.

(Signed)

PALMERSTON.

Sir George Villiers, G.C.B.

&c. &c. &c.

First Enclosure in No. 24.

Havana Commissioners to Viscount Palmerston.

January 26, 1837.

(See Class A. of First Series, No. 61., p. 91.)

Second Enclosure in No. 24.

Mr. Barrow to J. Backhouse, Esq.

(Received 25th April, 1837),

SIR,

Admiralty, 22nd April, 1837.

I AM commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Viscount Palmerston, Copies of two Letters from Admiral Sir Peter Halkett, the former respecting the detention of the Spanish brigantine "*General Laborde*" by His Majesty's schooner "*Pincher*," pursuant to the Treaty with Spain, signed the 28th June, 1835, and the latter containing an Extract of a Letter from Commander Willis of His Majesty's sloop "*Cruizer*," pointing out a mode by which Spanish vessels render the Treaty null and void.

I have, &c.

J. Backhouse, Esq.

(Signed)

JOHN BARROW.

&c. &c. &c.

Sub-Enclosure A, in No. 13.

(Copy.)

Sir P. Halkett to Charles Wood, Esq.

SIR,

"Melville," Port Royal, Jamaica, 3rd March, 1837.

I HAVE the honour to forward to you a statement from Lieutenant Byng, commanding His Majesty's schooner "*Pincher*," wherein he reports his having detained a Spanish vessel, pursuant to the Treaty with Spain, signed the 28th June, 1835, the said vessel having on board, with the exception of the flour of Brazil, or manioc, &c., all the necessary equipment and provisioning of a vessel intended for the slave traffic, as pointed out in Art. 10 of the said Treaty, and was therefore clearly liable "to be condemned and declared a lawful prize," were it not that the latter part of Sec. 9 to the Article in question, page 8 of the Treaty, obviated this, providing "such vessel was, at the time of her detention, employed in some legal pursuit," so that if a vessel fitted as above, distinctly for the traffic in slaves, chance to have on board a bale of tobacco or the smallest portion of merchandize, on pretence of being employed in a legal pursuit, she is restored, and may proceed in her intended traffic in slaves; and thus that part of the Treaty above alluded to renders the whole of it null and ineffective. Again,

Art. 3 does not set forth, as I submit it should, what precise punishment should be inflicted, as at present none has ever been thought of by the Spaniards.

Be pleased to represent to my Lords Commissioners of the Admiralty, and of which I have great reason to complain, that Lieutenant Byng, in His Majesty's schooner "Pincher," was detained at the Havana, to attend the adjudication of the above-mentioned vessel, upwards of 5 weeks, at a period when her services were much wanted. She will now be despatched in execution of their Lordships' orders, to go to Sierra Leone, with the culprit Jousiffe.

I have, &c.
(Signed) P. HALKETT,
Admiral and Commander-in-Chief.

To Charles Wood, Esq.,
&c. &c.

Sub-Enclosure B, in No. 24.

Sir P. Halkett to Mr. Wood.

SIR,

"Melville," off Port Royal, Jamaica, 16th March, 1837.

I HAVE the honour to lay before my Lords Commissioners of the Admiralty an extract of a letter I have received from Commander Willis, of His Majesty's sloop "Cruizer."

"Conceiving it may be beneficial to His Majesty's ships employed in capturing vessels fitted out for the illegal commerce in slaves, I beg leave to mention, that I have received information of a trick practised by many after landing their cargo, to prevent seizure, on their short run to Havana, 'to take in a cargo of corn in bulk, with a regular clearance from some out port;' they thus pass for an island vessel engaged in a common and legal traffic."

And thus their Lordships will perceive that the Treaty with Spain for the abolition of the Slave-trade is rendered null and void, as the last part of Section 9, Article 10, to that Treaty, constitutes this measure a legal pursuit, and of which I have already informed my Lords, by my letter of the 3rd instant, No. 46, in the case of a vessel carried into the Havana by His Majesty's schooner, "Pincher."

I have, &c.
(Signed) P. HALKETT,
Admiral and Commander-in-Chief.

To Charles Wood, Esq.,
&c. &c.

Third Enclosure in No. 24.

Viscount Palmerston to the Havana Commissioners.

14th August, 1837.

(See Class A. of the First Series, No. 85, p. 120.)

Fourth Enclosure in No. 24.

Havana Commissioners to Viscount Palmerston.

1st October, 1837.

(See Class A. of the First Series, No. 101, p. 140.)

No. 25.

Viscount Palmerston to Sir G. Villiers.

(Extract.)

Foreign Office, April 10th, 1838.

WITH reference to the instruction conveyed to you in my Despatch of the 6th instant, I herewith transmit to you the draft of an article containing, in express words, the construction to be placed on that stipulation contained in the latter part of the 10th article of the Treaty of June 28th, 1835, which states the exception under which a vessel, though apparently equipped for Slave Trade, is not to be condemned.

This article, as now drawn up, contains also an enumeration of two things which are to be added to the list of things which a merchant vessel is prohibited from having on board. The first of these things is, an extraordinary quantity of mats or matting. The reason for adding mats or matting to the list is, that a custom has recently prevailed of placing the slaves on matting stretched over barrels and casks, instead of placing them on what are called slave decks. The second thing added to the list is "an extraordinary quantity of any article of food whatever."

The reason for adding these words is, that a practice has been adopted by slave traders of taking on board, for the use of the slaves, articles of food which are not specified in the Treaty. You will urge the Spanish Government to conclude this explanatory article, additional to the Treaty of 1835.

Enclosure in No. 25.

Explanatory Article, Additional to the Treaty concluded on the 28th of June, 1835, between Great Britain and Spain, for the Abolition of the Slave Trade.

THE High Contracting Parties to the above-mentioned Treaty, in order to remove doubts upon the construction to be given to the stipulation contained in the latter part of the 10th Article of that Treaty, and in order to render the stipulations of the said Article more effectual, have named as their Plenipotentiaries, *ad hoc*, who, having exchanged their full powers, found to be in good and due form, have agreed on the present Additional Article:—

ARTICLE.

The following words shall be substituted in place of the 10th Article of the Treaty, concluded at Madrid on the 28th June, 1835, between His Britannic Majesty and the Queen Regent of Spain, for the more effectual Suppression of the Slave Trade:—

"It is hereby further mutually agreed, that every merchant-vessel, British or Spanish, which shall be visited by virtue of the present Treaty, may lawfully be detained, and be sent or brought before the Mixed Court of Justice, established in pursuance of the provisions thereof, if, in her equipment there shall be found any of the things hereinafter mentioned, namely—

"1st. Hatches with open gratings, instead of the close hatches, which are usual in merchant-vessels.

"2. Divisions or bulk-heads in the hold or on deck, in a greater number than are necessary for vessels engaged in lawful trade.

"3. Spare plank fitted for being laid down as a second or slave-deck.

"4. Shackles, bolts, or hand-cuffs.

"5. A larger quantity of water, in casks or in tanks, than is requisite for the consumption of the crew of the vessel as a merchant-vessel.

"6. An extraordinary number of water-casks, or of other vessels for holding liquid, unless the Master shall produce a certificate from the Custom-house at the place from which he cleared outwards, stating, that a sufficient security had been given by the owners of such vessel that such extra quantity of casks or of other vessels should only be used for the reception of palm oil, or for other purposes of lawful commerce.

"7. A greater quantity of mess-tubs, or kids, than are requisite for the use of the crew of the vessel as a merchant-vessel.

"8. A boiler of an unusual size, and larger than requisite for the use of the crew of the vessel as a merchant-vessel, or more than one boiler of the ordinary size,

"9. An extraordinary quantity either of rice, of the flour of Brazil, manioc, or cassada, commonly called farinha, of maize, of Indian corn, or of any other article of food whatever, beyond what might probably be requisite for the use of the crew, such rice, flour, maize, Indian corn, or any other article of food, not being entered on the manifest as part of the cargo for trade.

"10. A quantity of mats or mattings greater than is necessary for the use of the crew of the vessel as a merchant-vessel."

Any one or more of these several circumstances, if proved, shall be considered as *prima facie* evidence of the actual employment of the vessel in the Slave-trade, and the vessel shall thereupon be condemned and be declared lawful prize, unless it be established by satisfactory evidence on the part of the Master or Owners, that such vessel was, at the time of her detention or capture, employed in some legal pursuit; and that such of the several things above enumerated, as were found on board of her at the time of her detention, or had been put on board of her on the voyage on which the vessel when captured, was proceeding, "were needed for legal purposes on that particular voyage."

The present explanatory Article shall have the same force and effect as if it had been inserted, word for word, in the before mentioned Treaty of the 28th June, 1835, and shall be considered an integral part thereof.

The ratifications shall be exchanged at _____, within the space of _____ or sooner if possible.

In witness thereof, &c.

No. 26.

Viscount Palmerston to Sir George Villiers.

SIR,

Foreign Office, 24th April, 1838.

I HEREWITH transmit to you copies of two Despatches from Her Majesty's Commissioners at the Havana, on the subject of the Spanish schooner "*Vencedora*."

It appears from these papers, that the "*Vencedora*," when detained, was on her passage from Africa to Cuba with a cargo of slaves; that, in the course of her voyage she had touched at Cadiz and Porto Rico; and that, while she was at Cadiz, and during her passage thence to Porto Rico, her slaves were stowed

between decks, so as to be concealed from the passengers taken on board at Cadiz, and were thus confined in a manner necessarily occasioning to them the most severe suffering; that the vessel had landed a number of her slaves at Porto Rico, where she staid 8 days; that she there procured fresh papers, and was proceeding with the remainder of the slaves, 26 in number, to Cuba, when she was met with and detained by Her Majesty's ship "Ringdove," Commander Nixon, and brought before the Mixed Court of Justice, established at the Havana under the Treaty of June, 1835, for the prevention of Slave Trade.

The whole of these circumstances did not, at first, come out in evidence; but the main fact, of Bozal negroes being on board, apparently for the purpose of traffic, appeared at once in evidence; and the other circumstances were communicated to the Judges, before the final sentence was given by the Arbitrator.

The British Judge declared, that the vessel ought to be condemned; the Spanish Judge declared, that she ought to be liberated; and the Spanish Arbitrator, upon whom, in this case, the lot fell to determine the difference, declared, on the grounds stated by the Spanish Judge, that the vessel ought to be liberated; and she was liberated accordingly.

The reasons which were assigned by the Spanish Judge for the liberation of this vessel, and which were confirmed by the Spanish Arbitrator, were, that the slaves were described in the papers from Porto Rico as passengers, and as having been actually sold to a person in Cuba; and that, therefore, they were not brought to Cuba for the purpose of traffic.

But these alleged reasons were not borne out by the facts of the case; for, in the only documents found among the ship's papers which referred to the negroes, and which were in the form of licences, the negroes were not designated as passengers, but were described rather as parcels of goods or property, which certain persons were authorized by those licenses to transport from one place to another.

It was not attempted to be maintained, that the negroes were passengers, voyaging by their own free will; and the fact of their having been previously sold to a person in Cuba, even if true, was no proof that they were not brought to Cuba, in a manner, and for a purpose, contrary to the meaning of the Treaty. For, if it were to be admitted, that the transport of slaves from Africa were lawful, provided only that the slaves were considered as having been sold to an European purchaser, previously to their removal from the African coast, then it is obvious, that all the Treaties which have been concluded for the suppression of Slave Trade would, by such an evasive interpretation, be reduced to mere waste paper. But the Treaty expressly declares, that all Slave Trade, on the part of Spain, is abolished in all parts of the world, and that the subjects of Her Catholic Majesty shall not be concerned, nor shall her flag be used, in carrying on the trade in slaves in any way; and these slaves were newly imported negroes, and therefore ought to have been set free.

There is no stipulation in the Treaty, under which the mere fact, that the name of passengers is given to slaves, can save from condemnation a vessel containing such slaves; nor by which, if the purchase of slaves is effected in one place, those slaves may be lawfully transported to another place, for the purpose of being delivered over to the purchaser.

Such an interpretation would defeat the whole purpose of the Treaty, and never can be allowed.

If the reasoning of the Spanish Judge be admitted, a vessel might go to Africa, and there take in a cargo of slaves; the slaves might, from the commencement of the voyage, be called passengers, and the vessel and her cargo would, under that interpretation, be safe; or else sales of the slaves might be made in Africa, or at any spot at which the vessel might touch in her return voyage from thence; and the vessel and her cargo would thus be secured from condemnation.

I have to instruct you, therefore, to protest, in Her Majesty's name, against the sentence given by the Spanish Judge and confirmed by the Spanish Arbitrator, in the case of the "*Vencedora*," such sentence being directly contrary to the spirit and true meaning of the Treaty of 1835, and necessarily tending to defeat the express intention with which the high contracting Parties concluded that Treaty.

I have further to desire, that you will urge the Spanish Government to send out instructions for the guidance of the Commissioners at the Havana, in future cases of the like nature, directing those Commissioners to give sentence for the condemnation of all vessels found with slaves on board, unless such slaves shall be employed as part of the crew of the vessel, and shall be enrolled, as such, in the

original muster roll thereof, or unless they shall be proved by evidence to be *bona fide* domestics, attending, as such, upon their master, on board the vessel detained.

I am, &c.

(Signed)

PALMERSTON.

Sir George Villiers, G.C.B.
&c. &c.

No. 27.

Sir George Villiers to Viscount Palmerston.—(Received April 26.)

MY LORD,

Madrid, 14th April, 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatches marked Slave Trade, to that of the 27th ultimo.

I enclose the Copy of a Note which, in obedience to the Instructions contained in your Lordship's Despatch of the 23rd of March, I have addressed to Count Ofalia, respecting the promulgation of a Penal Law against Slave Trading, in conformity with the 2nd Article of the Treaty of 1835.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 27.

Sir G. Villiers to Count Ofalia.

SIR,

Madrid, April 10, 1838.

I HAVE the honour to inform your Excellency, that I reported to my Government the conversation I held with your Excellency respecting the promulgation of the Penal Law against Slave Trading, and the assurances which I had the satisfaction to receive from your Excellency, that this important question should forthwith receive the attention to which it is entitled on the part of Her Catholic Majesty's Government.

I am now further directed to inform your Excellency that, in the observations which I had the honour verbally to address to your Excellency, I only anticipated the renewed instructions which I was about to receive from my Government, and that the British Cabinet can entertain no doubt that the Cabinet of Madrid will no longer delay to fulfil the engagement contracted by Spain in the second Article of the Treaty with Great Britain of the 28th of June 1835, to promulgate a Penal Law, inflicting a severe punishment on any subject of Her Catholic Majesty who shall, under any pretext, take any part whatever in the traffic in slaves.

I have, &c.

(Signed)

GEORGE VILLIERS.

To Count Ofalia,
&c. &c.

No. 28.

Sir George Villiers to Viscount Palmerston.—(Received April 26.)

MY LORD,

Madrid, 14th April, 1838.

I HAVE the honour to enclose the Copy of a Note which, in obedience to the Instructions contained in your Lordship's Despatch of the 23rd of March, I have addressed to Count Ofalia, demanding that Lieutenant Cruz, of the "*Teresita*," should be dismissed from the service of Her Catholic Majesty, for his conduct in not taking before the Mixed Commission at the Havana the Spanish vessel "*Matilde*," prepared and fitted out for a slave expedition.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 28.

Sir George Villiers to Count Ofalia.

SIR,

Madrid, 10th April, 1838.

I HAVE the honour to inform your Excellency, that I transmitted to my Government the note dated the 15th of February, which your Excellency was pleased to address to me, in reply to mine of the 7th of September, complaining to your Excellency's predecessor, M. Bardaxi, against the conduct

of Lieutenant Cruz, of the "*Teresita*," for neglecting to take before the Mixed Court at the Havana the Spanish vessel "*Matilde*," upon a charge of her being met with equipped for the Slave Trade.

Further communications upon this subject have likewise been received by the Government of Her Britannic Majesty from Her Majesty's Commissioners at the Havana, and in them, as well as in the above-mentioned note of your Excellency, my Government perceive, that the real question at issue has been evaded, by insisting upon a point of form as to the mode in which the Mixed Commission at the Havana addressed the Captain-General, when communicating to him the information which they had received upon the case.

The real question at issue is, whether Lieutenant Cruz, of the Spanish pilot-boat the "*Teresita*," shall, or shall not be punished, for an infraction of the Treaty of the 28th of June, 1835, between Great Britain and Spain.

The facts are as follows:—

Her Majesty's ship "*Vestal*," in her passage from Port-au-Prince to St. Jago de Cuba, perceived and chased, on the 4th of May, 1837, a vessel suspected of Slave-trade, but that vessel was boarded by the Spanish vessel "*Teresita*" before the "*Vestal*" could reach her.

The Officer of the "*Vestal*," on boarding likewise the suspected vessel, found that her name was the "*Matilde*," and that she was equipped for the Slave-trade.

The people on board of her declared that she was a prize to the "*Teresita*," and the Commander of the "*Teresita*" himself confirmed that statement, by declaring that "he had that day, at 11 A.M., seized the schooner, under the provisions of the late Treaty with Great Britain, for being fitted for the Slave Trade."

The Captain and Officers of Her Majesty's ship "*Vestal*," having respect to the flag of Her Catholic Majesty, and believing the statement of an Officer in Her Catholic Majesty's service, declined to interfere further with the case, supposing the vessel to be then in progress to be carried to the Havana, where she would have been brought before the Mixed Commission, established at that place for adjudicating cases under the Treaty.

Instead, however, of carrying the "*Matilde*" to that place, the Commander of the "*Teresita*" sent her to St. Jago de Cuba, and when the Commissioners at the Havana were waiting her arrival, they were informed officially by the Spanish Authorities, that Lieutenant Cruz detained her, not, as he had stated to the Officer of the "*Vestal*," on account of her being equipped for the Slave Trade, but on account of her appearing to be a smuggler, and that, having been acquitted of that charge by the Authorities of St. Jago de Cuba, the vessel had been liberated.

The British Commissioners were afterwards furnished with a deposition by Lieutenant Cruz, which stated that he had sent the "*Matilde*" to St. Jago de Cuba, instead of the Havana, because she was leaky, and in order that she might be repaired; but no reason is given in this deposition to show why, after being repaired, she might not have been sent to the Havana, and no explanation is offered as to the difference between the several statements made by Lieutenant Cruz, with respect to the cause why the *Matilde* had been detained by him.

Her repairs could not have required any great time to be completed, nor could she have been in a very bad condition, for it appears that, upon liberation, she proceeded direct, and without delay, to the Coast of Africa; that so soon as the 15th October, in the same year, she took in on that coast a cargo of slaves; and that she was returning to St. Jago de Cuba with 250 negroes on board, when she was met with by Her Majesty's ship "*Snake*," was carried into the Havana, was adjudicated and condemned, and it appears that she was, at the end of that voyage, perfectly seaworthy.

I have, therefore, under these circumstances, been instructed to press upon the Spanish Government the just complaint of Her Britannic Majesty's Government against Lieutenant Cruz, the original grounds of which have been entirely confirmed by all the information that has subsequently been received; and I am further to demand of your Excellency the dismissal of that Officer from the service of Her Catholic Majesty, for having made a false statement to the English Naval Officer, in order to defeat the object of the Treaty, and to protect from capture and condemnation a vessel, which has been proved to have been, at that very time, prepared and fitted out for a Slave Trade expedition.

To Count Ofalia,
&c. &c. &c.

I have, &c.,
(Signed) GEORGE VILLIERS.

No. 29.

Sir George Villiers to Viscount Palmerston.—(Received April 26.)

MY LORD,

Madrid, 6th April, 1838.

I HAVE the honour to enclose the Copy and Translation of a Note, which I have received from Count Ofalia, communicating to me the steps which have been taken by the Minister of Finance, with respect to the Form of Bond to be required from Owners of vessels trading to the Coast of Africa, for the exportation of Casks destined to contain palm oil.

(Signed) GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 29.

(Translation.)

Count Ofalia to Sir George Villiers.

Madrid, April 6th, 1838.

SIR,

THE Minister of Finance writes to me on the 21st ultimo, that he has communicated to the Director-General of Customs the following Royal Order:—

"By command of her Majesty the Queen Regent, I transmit to you in original, and to be returned, the entire statement commenced in this Ministry of Finance, and continued in that of Marine and Commerce, relative to the Certificate and Bond to be taken from the owners of Spanish vessels trading to the Coast of Africa, in imitation of those which the British Government has ordered to be taken from its subjects, in order to insure the execution of the 5th clause 10th Article of the Treaty of the 28th of June, 1835, for the suppression of the Slave Trade, so that, according to the last communication made by the said Ministry of Marine and Commerce, this direction may act in accordance with the Junta Consultiva of Customs, to whom the present determination is made known, in drawing out the forms of the above-named Documents, which are to be conformable to the laws of Spain, and to the principles laid down in the Royal Order of the 22nd of July last, issued by this Ministry."

I have the honour to make the above communication to you, in reply to your Note of the 1st of March last, and until I am able to transmit to you the definitive Resolution.

I avail myself, &c.

(Signed)

THE COUNT OF OFALIA.

No. 30.

Sir George Villiers to Viscount Palmerston.—(Received April 26.)

MY LORD,

Madrid, 14th April, 1838.

I HAVE the honour to enclose the Copy of a Note which, in obedience to the Instructions contained in your Lordship's Despatch of the 27th of March, I have addressed to Count Ofalia, with respect to a Certificate issued by the Custom-house Authorities at the Havana, to the Portuguese slave-vessel "*Ligeira*," setting forth, that the extra quantity of Casks, which she had on board, were destined for the reception of palm oil.

I have, &c.

(Signed)

GEORGE VILLIERS.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 30.

Sir G. Villiers to Count Ofalia.

Madrid, April 11, 1838.

SIR,

I HAVE received the Instructions of my Government to communicate to your Excellency the following information, which has been received from the British Commissioners at Sierra Leone, with respect to the Slave Trade now carrying on with the Havana under the Portuguese flag.

The Portuguese brigantine "*Felicidad*," Joao Joze Pereira, master, having on board a cargo of slaves, with which she was proceeding from the river Bonny to the Havana, was seized on the 4th November 1837, near to that river, by Her Britannic Majesty's brigantine "*Bonetta*," and arrived at Sierra Leone for adjudication on the 2nd December. The vessel was condemned, and the surviving negroes of her cargo emancipated on the 9th.

The Portuguese schooner "*Traga Milhas*," was seized with a cargo of 283 slaves by Her Britannic Majesty's sloop "*Racer*," on the 11th of June 1837, off the Island of Jamaica, whilst engaged in a voyage from the river Sherbro to the Havana, and condemned in December last by the British and Portuguese Court of Mixed Commission established at Sierra Leone.

From the statement of the Master, there was every reason to believe, that in his previous voyage to the Havana, he had successfully landed a cargo of slaves. The "*Traga Milhas*" appears only to have come under the Portuguese flag in 1836, at the Cape de Verd Islands, and is supposed to be the vessel, bearing the same name, which made two successful voyages under the Spanish flag, previous to the close of the year 1835.

The Portuguese schooner "*Ligeira*," was seized on the 15th November, 1837, with a cargo of 313 slaves on board, when on her way to the Havana, by Her Britannic Majesty's brigantine "*Bonetta*," and condemned in the British and Portuguese Court of Mixed Commission at Sierra Leone. This vessel, like the "*Traga Milhas*," was provided with a passport by the Government of the Cape de Verd Islands; but among the papers of the "*Ligeira*," was found an official certificate, dated April 6, 1837, from the Custom-House at the Havana, of there having been embarked in her a large boiler, planks, and beams, for preparing upon the coast a slave-deck; and, in addition to the leaguers of water on board for the use of the crew, a large number of staves and hoops for forming water-casks, in short, all the chief articles of slaving equipment, which shipment was, I regret to say, specially certified to by the Custom House authorities at the Havana, under the plea, that the extra casks, which the "*Ligeira*" had on board, were destined for the reception of palm oil.

To this point I am instructed to call the attention of your Excellency, and to press upon the Government of Her Catholic Majesty, the necessity of giving directions, that greater caution shall, in future, be used in granting similar certificates, and that they shall not be given without a bond to a large amount, which shall be forfeited to the Government, upon conviction of the illegal purpose to which the prohibited articles shall appear afterwards to have been applied.

I have, &c.

(Signed)

GEORGE VILLIERS.

Count Ofalia.

&c. &c.

PORTUGAL.

No. 31.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, January 8th, 1838.

I HEREWITH transmit, for your Lordship's information, an extract from a Report made by Lieutenant Bosanquet, on British Commerce, and on the Slave Trade, in Madagascar, the Comoroo Islands, and the Eastern Coast of Africa; from which it appears, that the Slave Trade is carried on to a considerable extent, under the Portuguese flag, between the Portuguese settlements on that coast, and Brazil and Cuba.

The Lord Howard de Walden,
 &c. &c. &c.

I have, &c.
 (Signed) PALMERSTON.

Enclosure in No. 31.

Extract of a Letter from Lieutenant Bosanquet, commanding Her Majesty's brig "Leveret," dated Simon's Bay, 29th September, 1837, and addressed to Rear-Admiral Sir P. Campbell.

I CONTINUED to cruise, for the suppression of the Slave-trade and protection of British commerce, touching at all the Ports frequented by slave-vessels and English merchant-vessels in Madagascar, and on the East Coast of Africa, and also the Island of Johanna, in the beginning of July, which Island I found in a tranquil state, though still threatening an attack upon Ramenatka at Mohilla, which I have every reason to believe will not take place.

"The Slave-trade still continues to be carried on, to a very great extent, on the Coast of Africa, both to the Brazils and the Island of Cuba, but from the tenor of the Instructions issued for the guidance of the men-of-war, it is impossible to prevent it, although the existing Treaties are most openly violated in every instance; but even if fuller powers be granted by a new Treaty, I fear the "Leveret" will be still found perfectly incompetent to fulfil the duties of suppressing the Slave-trade, from her extremely bad sailing qualities.

From my observations last year, and from the information I have since been able to obtain, I conceive that upwards of 12,000 slaves must have left the East Coast of Africa in 1836, for the Brazils and Cuba; and I think, from the number of vessels already arrived, and there being many more expected, that that number will not be much decreased this year.

A Spanish brig obtained 500 slaves last December at Mombass, which place has been subsequently taken by the Imaum of Muscat, so that the foreign Slave-trade in this part of the world, is now entirely confined to the limits of the Portuguese Possessions on the East Coast of Africa, from Cape Delgado to Delagoa Bay, and the only two ports from whence vessels hitherto have ultimately sailed, are Mosambique and Quillimane; but coasting trade in slaves, to a great extent, is carried on to supply these two depôts, and, in many cases, under the flag of the Imaum of Muscat, which, although contrary to Treaty, it is impossible to prevent, without the greatest disadvantage to the service, as all such vessels have to be sent to Zanzibar.

From the actions of Government of Mosambique and Quillemane, and from the open declaration of the inhabitants, it appears that the Colonial Government are determined to continue the illicit traffic in slaves, notwithstanding any treaty that may be made for its prevention, and, from the open manner in which the existing treaty is broken, I think they must have authority so to do from the Government at Lisbon.

The English trade with the east coast of Africa and Madagascar, which is of considerable value, has much increased since last year, and I think will be still more so; and the occasional presence of a vessel of war at the different ports, more particularly those in Madagascar, I conceive, will be highly beneficial to the trade, as that island is still in a very unsettled state, and the continual predatory warfare carried on between the subjects of Queen Ranivilo and the tribe of Sacolavas, renders all property landed for trade insecure. Raminisoola, the chief of the Sacolavas, who is at present, and has been for some time, residing in the Comoroo Islands has, I think, by his absence from Madagascar, lost much of his influence with his tribe, and his only object in seeking the alliance, is to obtain protection against his more powerful opponents the Ovahs, who, I think, will shortly have entire possession of Madagascar.

I have every reason to believe that no slaves are exported from Madagascar, but they are still imported to a small extent by Ramenatha in the island of Mohilla, who has also sold some of his Johannese prisoners, who were carried to Zanzibar.

No. 32.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, 17th January, 1838.

I HEREWITH transmit to you, for your information, an extract of a letter which I have received upon the subject of the Slave Trade carried on at Cadiz, and in the West Indies, by Spanish vessels under the flag of Portugal.

I am, &c.

(Signed) PALMERSTON.

The Lord Howard de Walden,
 &c. &c. &c.

Enclosure in No. 32.

Extract of a Letter dated Vera Cruz,

August 26th, 1837.

(See Enclosure in No. 8.)

No. 33.

Lord Howard de Walden to Viscount Palmerston.—(Received Feb. 22nd.)

(Extract.)

Lisbon, 14th February, 1838.

NOTWITHSTANDING the repeated assurances which I have received from the Viscount de Sa da Bandeira, of his intention to enter, without loss of time, upon the re-consideration of the proposed Treaty for the total suppression of the Slave Trade still carried on under the Portuguese flag, every detail of which had been agreed upon (with the exception of a clause for the regulation of the transport of domestic slaves accompanying their masters from the Continent to the island of St. Thomas and Princes Island) previous to the Revolution of September, I regret that I am not able to report any real progress to your Lordship. I am induced to believe, that the Viscount de Sa da Bandeira is, personally, really well disposed to put an end to the Slave Trade throughout the Portuguese dominions. His Excellency has turned his attention very much to the African resources of his country, and he appears quite sensible that so long as the Slave Trade exists no extensive amelioration can be effected in the condition of the African colonies of Portugal; and that so long as that illicit traffic presents to the capitalists and gamblers the temptation of the increased profits to be made by a successful Slave Trade enterprise, no such direction can be given to the floating wealth of those possessions as can turn the natural advantages of those countries to the best account in industry or legitimate commerce.

This good feeling, however, of the Viscount de Sa da Bandeira appears to be quite neutralized as to action.

The disposition of the Portuguese authorities to protect slave vessels has repeatedly been made manifest to your Lordship by their proceedings, and particularly in the cases of the "*Esperança*," "*Diogenes*," and "*Latona*."

It is only through the activity of the British cruisers and agents, that any effectual check can be expected to be imposed on the abuse of the Portuguese flag. But to bring about cordial co-operation with Great Britain on the part of the Portuguese Government, even as far as mere enactment of laws or mutual powers to be granted under Treaty, is, I fear, only to be effected by having recourse to such alternative, as the consequence of refusal, as may counterbalance the apprehensions which have for so long rendered each successive administration since the Revolution of September, in all essential acts, subservient to the Clubs.

No. 34.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, 28th February, 1838.

WITH reference to my previous correspondence with your Lordship on the subject of Portuguese Slave Trade, I forward herewith to your Lordship, in order to support your communications with the Portuguese Ministers upon this subject, the accompanying Copy of a Despatch, and of its Enclosure, from Her Majesty's Envoy at Rio de Janeiro, giving the names of 10 Portuguese vessels which had arrived from Africa at Rio in the single month of November, 1837, and a Return of the cargoes of those vessels, amounting to 4,498 slaves.

I have, &c.

(Signed)

PALMERSTON.

Lord Howard de Walden,
&c. &c. &c.

Enclosure in No. 34.

Mr. Hamilton, Dec. 18, 1837.

(See No. 52.)

No. 35.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, 3rd March, 1838.

I HAVE received and laid before Her Majesty your Lordship's Despatch marked Slave Trade of the 15th ultimo; and I have to desire that your Lordship will present to the Portuguese Minister a note, of which I send herewith to you a draft, urging the Government of Her Most Faithful Majesty no longer to delay fulfilling the engagements of Portugal, to conclude with Great Britain a Treaty, having for its object the entire suppression of Portuguese Slave Trade.

I have, &c.

(Signed)

PALMERSTON.

Lord Howard de Walden,
&c. &c. &c.

Enclosure in No. 35.

Draft of Note to be presented by Lord Howard de Walden.

The Undersigned has been instructed to express to Baron de Sa da Bandeira the deep regret and the extreme disappointment of the British Government, that the Government of Portugal has not yet assented to the amended Treaty between the two countries for the suppression of the Slave Trade, of which the Undersigned had the honour to communicate a draft to the Government of Her Most Faithful Majesty, on the 8th of September, 1834.

This draft is almost a transcript from that of the Treaty which was concluded between Great Britain and Spain on the 28th of June, 1835;—it is nearly identical with the engagements which Holland and Sweden have contracted with Great Britain, and it contains all the stipulations, which experience has hitherto shown to be the best calculated to accomplish the purpose for which such treaties have been framed. Her Majesty's Government, therefore, taking into their consideration the repeated and solemn engagements by which Portugal has bound herself towards Great Britain on this subject, and not willing to suppose that the Government of Portugal can be insensible to the force of such obligations, or to the necessity that a state should fulfil its promise, when it has pledged its faith, can only account for the delay, of which the Undersigned is now instructed formally to complain, by supposing that the various important events, which for some time past have rapidly succeeded each other in Portugal, have engrossed too exclusively the attention of the several Administrations which have been charged with the conduct of affairs, and have thus interfered with the conclusion of the Treaty to which this note relates.

The British Government is the more inclined to adopt this supposition, because, so long ago as September 1836, the two Governments were agreed upon every point except one in the proposed Treaty; and because that one point, which related to a limitation in the number of domestic servants which Portuguese settlers should

be allowed to carry with them from the Continent of Africa to the islands off that coast, has since that time been determined by the law of January 1837, in the manner in which the British Government were desirous it should be settled in the Treaty.

There no longer remains, therefore, any thing to be done but to conclude and ratify the Treaty; and the Undersigned must again express the extreme disappointment of Her Britannic Majesty's Government, that this has not yet been accomplished.

But the Undersigned is at the same time instructed to assure the Portuguese Government that, however this matter may, amid the affairs of high domestic interest which have absorbed the public attention in Portugal, have appeared to the Portuguese Government one of secondary importance, it is by no means viewed in that light by the Government of Her Britannic Majesty.

On the contrary, the British Government attach to this question the most deep and paramount interest, and consider it as being one, the satisfactory settlement of which cannot admit of any farther delay.

The present state of this matter is honourable neither to Great Britain nor to Portugal.

It is not honourable to Portugal, because Portuguese subjects are daily violating, in the most open manner, the Portuguese law, and are publicly contravening the treaty engagements of the Portuguese Crown.

It is not honourable to Great Britain, because Great Britain is passively submitting to see a Foreign Power continue, habitually and uninterruptedly, to violate stipulations entered into with Great Britain, and for which Great Britain has made a vast pecuniary sacrifice. This state of things must, therefore, necessarily cease; and the only termination which can equally satisfy the honour of both parties, is the conclusion of the Treaty above-mentioned.

By the Convention of the 22nd January, 1815, Portugal bound herself to abolish immediately all Portuguese Slave Trade, on any part of the Coast of Africa north of the Line; and to determine subsequently, by a separate treaty with Great Britain, the period at which the Portuguese Slave Trade should finally, generally, and universally cease.

The first of these engagements was made good, the second has not yet been fulfilled.

But in return for these stipulations, Portugal received from Great Britain 600,000*l.*; and Great Britain is entitled to demand the complete fulfilment of an engagement, the final execution of which has been too long delayed, and for which Portugal has received such ample compensation.

If, indeed, Portugal had kept faith with Great Britain in substance, though not according to the exact letter of the engagement, Her Majesty's Government would have been less urgent upon this matter.

If Portugal, though she has not concluded the second treaty which she engaged to make with Great Britain, for the purpose of determining the final and universal abolition of Portuguese Slave Trade, had yet, by the stringency of her own laws, and by her vigour in carrying those laws into effect, finally and universally abolished her slave trade—if no Portuguese subjects were now engaged in that guilty pursuit, and if the Portuguese Flag was never sullied by being used as a cover for this crime, then perhaps the British Government might be disposed to wait the convenience of that of Portugal, for the completion of a treaty, which would in such case be a formality, necessary indeed as an act of good faith on the part of Portugal, but not so imperatively required as it now is by Great Britain, for the attainment of the objects for which she paid to Portugal 600,000*l.*

But the existing state of things is unfortunately far different.

It is undoubtedly true, that Portugal has published a law, which was promulgated on the 10th December, 1836, and which declared the Portuguese Slave Trade to be from that time finally and universally abolished. It is undoubtedly true, that this law attaches severe penalties to the offence, and provides for the manner in which offenders are to be brought to justice; but it is equally true, that up to the present day that law has remained a dead letter—that under its provisions no slave-trader has ever been punished, and no slave-ship has ever been condemned and broken up. But what has been the reason of this? is it that the law has been fully obeyed, and that deference to its injunctions has prevented the necessity of an enforcement of its penalties?—has the Portuguese Slave Trade ceased, and has the Decree slumbered, for want of objects on which to exert its severity? The fact is most notoriously the reverse. Portuguese Slave Trade has gone on unchecked by the law of December, 1836—has continued to

increase in extent—and is carried on without any attempt at concealment, under the very eyes of those Portuguese Authorities whose duty it is to enforce the law. And not only do Portuguese ships and subjects openly pursue this disgraceful trade, but the Portuguese Flag is lent, with the connivance of Portuguese Authorities, to serve as a protection for all the miscreants of every other nation in the world, who may choose to engage in such base pursuits.

The Coast of Africa swarms with Portuguese vessels, waiting to receive in their holds the victims of violence and crime; and the Atlantic is covered with pirates, who have hitherto found impunity under the shelter of the Colours of Portugal.

This is an evil of so flagrant a nature—so afflicting to humanity—so disgraceful to the Christian world—so dishonourable to Great Britain, who has the right and the power to put an end to it—that the Undersigned is instructed to declare frankly to the Portuguese Government, that the time is come when this state of things must cease.

The British Government is prepared to contend, that under the stipulations of the Treaties subsisting between Great Britain and Portugal, Great Britain would be justified in taking this matter into her own hands, and in seeking redress by her own means: for the Portuguese Slave Trade is at present carried on in absolute violation of those Treaties; and the provisions of those Treaties now leave Great Britain free to deal with Portuguese Slave Trade, in such manner as to Her may seem fit.

The main and declared object of the Conventions of 1815 and 1817 was, that the two Powers should put down the *illicit* Slave Trade of Portugal; and the two Powers declared in the latter Treaty, that they considered as illicit, any traffic in slaves carried on by Portuguese vessels, *bound for any port not in the dominions of Portugal*. But all slave-traders which now sail from Africa under the Portuguese Flag are bound for some port *not in the dominions of Portugal*, and therefore they carry on a trade declared by treaty to be illicit. The 4th Article of the Treaty of 1815, moreover, declares that it shall not be lawful for the subjects of Portugal to purchase or trade in slaves, except for the purpose of *supplying the transatlantic possessions belonging to the Crown of Portugal*; and Portugal has for many years ceased to have any transatlantic possessions at all. The Slave Trade is, therefore, no longer permitted by these Treaties to be carried on by the subjects of Portugal.

Moreover, Portugal has, by her own law, prohibited all her subjects from engaging in, or from being concerned in, Slave Trade; and Slave Trade is therefore no longer permitted to be carried on by the laws of Portugal.

But by the 2nd Article of the Treaty of 1815, Great Britain engaged to abstain only for a definite time from interrupting the Slave Trade of Portugal; and the time during which Great Britain so bound herself to abstain was “during such period as the Portuguese Slave Trade might be permitted to be carried on by the laws of Portugal, and under the Treaties subsisting between the two Crowns.”

But the Undersigned has shown that this period has expired, and that the Slave Trade is now not permitted to be carried on, by the subjects or under the Flag of Portugal, *either by the laws of Portugal, or under the Treaties subsisting between the two Crowns*; and Great Britain is, therefore, according to the Treaty of 1815, released from the temporary engagement which she took, not to interrupt the Slave Trade carried on by the ships and subjects of Portugal.

But the Undersigned is instructed to say, that the British Government is convinced, that when the Cabinet of Lisbon comes to reflect upon the binding nature and the comprehensive scope of the engagements which Portugal has contracted, and when that Cabinet contemplates the enormity of the evil which has arisen out of the delay that has occurred in the fulfilment of those engagements, Portugal will no longer hesitate to conclude forthwith those arrangements, which are alike demanded by a just regard to the rights of Great Britain, and by a proper consideration for the honour of Portugal herself.

No. 36.

Lord Howard de Walden to Viscount Palmerston.—(Received March 7.)
(Extract.)

Lisbon, February 25, 1838.

I HAVE had a long conversation with the Viscount de Sa da Bandeira, relative to the Treaty for the total abolition of the Slave Trade, called for by Her Majesty's Government in virtue of engagements of the Crown of Portugal, the conclusion of which was arrested by the Revolution of September.

His Excellency declared his determination at once speedily to settle this question; expressing his confidence that in the counter project he should have to make, no serious objection would be entertained by Great Britain. The object he professed to have in view was to humour public opinion.

The outline of his proposed amendments, was,—

1st.—To limit the right of search, to be conceded to British vessels of war, to 100 miles from the coast on one hand, but to extend it to the eastern coast of Africa on the other.

2nd.—Not to allow the right of search under a Portuguese Fortress.

3rd.—To allow of the extended jurisdiction of a Mixed Commission only for seven years, and then only on condition of Great Britain surrendering the right of search, already secured for fourteen under Treaty, north of the line, for half that term.

In reasoning with His Excellency on the objections in principle and practice to these restrictions, I urged him to proceed at once, without loss of time, to make me his counter proposition officially. He replied that he would do so, so soon as he had settled a Treaty with Spain for the Navigation of the Douro, the negotiation of which occupied his whole time. I urged him to consider how much more important for the honour and interest of Portugal, it was to settle the Slave Trade Treaty. I enjoined him to reflect, that he was called upon by Great Britain only to fulfil engagements already contracted by the Crown of Portugal; that he must have seen what had passed in the House of Lords on the subject of Slave Trade, as carried on under the Portuguese flag; that this language would find its echo in the House of Commons, and that I should not be at all surprised at a resolution being passed by the House, to the effect that the Government were called upon to act upon the spirit of existing Treaties, and to enforce their observance by not allowing the Portuguese flag to be a cover to the Slave Trade.

I then remarked, that the difficulties he raised about the Mixed Commissions *on principle*, could not be admitted; that I could not understand why the principle already established by Portugal, Spain, and Great Britain, should now become objectionable to this country; that it was evident, after the experience we had had of the conduct of the Portuguese authorities everywhere with regard to the Slave Trade, and even in Lisbon, as exemplified in the case of the "*Latona*," now ("*Maximé*") that no due execution of the law enacting penalties against the Slave Trade, was to be expected, if entrusted solely to Portuguese Tribunals.

The Viscount rejoined that he should propose, that only on giving 12 months notice, the Mixed Commissions should cease after 7 years; that that would serve his purpose, and that it was not directly contemplated, nor would it follow that, because the mere right then to suspend them should be conceded, such right would necessarily be acted upon.

His Excellency then again declared his intention to enter into the subject without loss of time.

No. 37.

Lord Howard de Walden to Viscount Palmerston.—(Received March 20).

MY LORD,

Lisbon, March 8, 1838.

I HAVE the honour to transmit to your Lordship a copy of a "portaria" addressed by the Viscount de Sa da Bandeira to His Excellency the Minister of Marine, in communicating to him a circular, which had been addressed by him to the Portuguese Consuls in the Brazils, in which His Excellency the Minister of Marine, as well as the Portuguese agents in question, are called upon rigorously to enforce the laws of December 10, 1836, and January 16, 1837, abolishing the Slave Trade in the Portuguese dominions, and prohibiting the abuse of the national flag, in contravention of Treaties existing between the Crowns of Great Britain and Portugal.

I have, &c.

(Signed)

HOWARD DE WALDEN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 37.

Senhor de Sa da Bandeira to Baron Bonfim.

Most Illustrious and Excellent Sir,

Foreign Department, March 2nd, 1838.

THIS Administration having been apprized, by information received from the Havana, of the arrival at the island of Cuba, in the course of last year, of a great number of vessels in ballast under Portuguese flag, coming from the Portuguese dominions in Africa, and particularly from St. Thomas and Princes Islands, and Government being informed, from accounts received, of the vessels lately condemned at Sierra Leone, which against the stipulations of Treaties concluded between this Crown and that of Great Britain, had scandalously abused the Portuguese flag, in order to shelter the infamous traffic in slaves, when this traffic is entirely prohibited by the Decree of the 10th December, 1836, while the purchase and use of the Portuguese flag by foreign vessels was also prohibited by the Decree of January 16th, 1837, steamers only excepted; such vessels only to be considered Portuguese, as had been navigated under the Portuguese flag up to the date of the last Decree, or should be in future built in Portugal or her Dominions. I have the honour to request your Excellency (now that the Governor appointed to the above mentioned island is about to depart) will apprise him of the criminal infractions of the said Decrees, so often committed in those places, recommending him under his immediate responsibility, the strictest observance and execution of those Decrees, in the certainty that the least fault on his part with regard to them will not be overlooked by the Government.

I have the honour to communicate to your Excellency, on this occasion, the Copy of a Circular, which I have addressed on the subject to the Portuguese Consuls in the Brazils under this day's date.

May God preserve you many years,

(Signed)

SA DA BANDEIRA.

(Circular.)

There having arisen some doubts in the Consulate-General of Portugal in Rio Janeiro, concerning the execution of the Decree of the 10th December, 1836, with respect to the abolition of the Slave Trade, it was declared on the 12th ultimo to the said Consul-General, that the law imposed no other duty on him but that of preventing with all his powers that traffic, affording his assistance to the Brazilian Tribunals, as long as those Tribunals did not act illegally, since the same traffic is likewise prohibited by law in the Brazils, and in such case he (the Consul) being bound to protect the law, for which he stands in need of no instructions, which are found in the elementary principles of his office; that nations in general having always had in view the progress of naval construction, do not tolerate the naturalization of foreign vessels; which principle, having also been adopted by the modern Portuguese Legislature, the exact observance of the Circular of the 1st of March, 1837, is therefore again recommended to him, that due publicity should be given to the Decree of the 1st of January of the same year, by which both the purchase and use of the Portuguese flag by foreign vessels was prohibited, steamers only excepted; those vessels which until the date of the same Decree, should have been navigated under the Portuguese flag, or afterwards built in Portugal, and her dominions, only to be considered Portuguese: his duty being that of preventing on all occasions, that this abominable traffic of slaves be carried on under the Portuguese flag, giving his most particular instructions to this effect, to the Consular Agents under him, and superseding any of them who might shew any favour to that Trade, giving regular notice at the same time through the Department, of what might have occurred on the subject; and lastly, he having been warned in the name of the Queen, that Her August Majesty is determined to dismiss from their Office, either himself or any other Consular Agent, so soon as it shall be made known to her, that they do not exert their utmost endeavours, in preventing the Slave Trade being carried on in the Portuguese Dominions, and in vessels under Portuguese colours; or that they do not strictly fulfil the duties imposed upon them, and the orders imparted to them, all of which I now make known to you for your information, and to be executed on your part.

(Signed)

SA DA BANDEIRA.

Palace of Necessidades, 2nd of March, 1838.

No. 38.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, March 24, 1838.

It is painful to Her Majesty's Government to find, in almost every account which they have recently received relative to the Slave Trade, statements of the increase of that Traffic under the flag of Portugal.

The accompanying copy of the report which has been sent in by Her Majesty's Commissioners at the Havana, of the Slave Trade at that place during the year 1837, shows this increase in a very strong light, so far as regards the Slave Trade at the Havana.

In the year 1836, 38 vessels bearing the flag of various nations, left the Havana for Africa, and only 6 of these sailed under the Portuguese flag.

In the year 1837, the number of vessels of all nations which left the Havana for the same destination, was 72, being 34 more than in the previous year. Of these 72 vessels, 40 were under the Portuguese flag, being 34 more than sailed under that flag in the previous year, and it thus appears that while the Slave Trade under other flags had remained as it was, the Trade under the Flag of Portugal had increased to eight times the amount which it had reached in the preceding year.

In the same year 51 vessels arrived from Africa at the Havana, and all but 3, bore the Flag of Portugal.

The last reports from Sierra Leone, of which I send you herewith extracts, bring intelligence, that every vessel, which had recently been seized and carried for adjudication to Sierra Leone, bore the Portuguese flag.

The "*Ligeira*," which was one of these vessels, was only of 78 tons burthen, and had on board 313 slaves, besides her crew of 25 officers and men. The vessel was crowded nearly to suffocation; 22 of the slaves died, and 55 others suffered severely in consequence.

The last report from Rio de Janeiro, of which I send you herewith a copy, states, that in the year 1837, 92 vessels laden with slaves, had landed their cargoes in or near Rio; that every one of those vessels bore the Portuguese flag; and that, from these vessels, upwards of 41,600 slaves were landed in Brazil.

In face of these facts, the laws and decrees of Portugal, enacted and repeated against the continuance of Slave Trade under the flag of that country, are a mere mockery; and nothing will wipe away the disgrace which these facts affix to the character of Portugal, but the immediate conclusion of a Treaty between Portugal and Great Britain which shall give to the British cruisers full powers to put down the Trade.

Your Lordship will take an opportunity of making known to the Portuguese Government the facts contained in the enclosures to this Despatch, and of expressing the sentiments of Her Majesty's Government upon this subject.

I have, &c.

(Signed) PALMERSTON.

The Lord Howard de Walden,
&c. &c.

Enclosures in No. 38.

Havana Commissioners, January 1, 1838.

Sierra Leone Commissioners, Dec. 16th, 1837.

Sierra Leone Commissioners, — 28 —

Sierra Leone Commissioners, — 29 —

(See Class A. of this Series. Nos. 43, 15, 16, and 17.)

Mr. Gordon, 19th January, 1838.

(See No. 56.)

No. 39.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, March 24th, 1838.

I HEREWITH transmit to your Lordship an amended draft of a Treaty, to be concluded between Great Britain and Portugal, for the final and complete suppression of Portuguese Slave Trade. This draft contains those stipulations which were embodied in the draft sent out to you on the 8th September, 1834, and submitted by you to the Portuguese Government in the month of October of that year. It contains, also, the alterations which, at the request of the Portuguese Government, you were authorised by my Despatch of the 25th November, 1835, to insert in the original draft; and it includes two Articles, to the effect of those two stipulations which were consented to by my Despatch of the 25th of April, 1836, in order to obviate the remaining objections of the Portuguese Government to the Treaty as it stood after the admissions of the 25th of November, 1835.

A few additional words have been inserted in Article 1 of annex A.

The title of annex B has been altered, and a few additional words have been inserted in Article 6, of annex B, and in Article 2 of annex C.

These insertions and alterations have been made in order to carry into effect the stipulation which was agreed upon between yourself and the Portuguese Minister for the adjudication of Portuguese cases at Rio de Janeiro. Some words have been altered, and some have been added to Article 11, in order to render that Article, which is one of the most important in the whole treaty, more conducive to the purpose of preventing as well as of punishing attempts at Slave Trade. The other alterations which will appear in the draft which I now send to you, as compared

with the draft which is already in your possession, need no particular notice. They are generally verbal, and the object in making them was to render the Treaty clear and explicit.

The Treaty, in the shape in which I now send it to you, involves no principle, and contains no stipulation which has not already been agreed to by the Portuguese Government, in negotiation with your Lordship; and I send to you a draft of it in this amended form, that your Lordship may present it at once to the Government of Her most Faithful Majesty, as a Treaty which, word for word, as it now stands, they may conclude and sign.

I have to convey to you Her Majesty's commands that you take the earliest opportunity, after the receipt of this Despatch, to request an interview on the subject with the Portuguese Minister.

You will tell him, that this Treaty will be received by Her Majesty's Government as the best pledge of the wish of the Government of Her most Faithful Majesty to cultivate a good understanding with Her Majesty's Government; and you will urge him on that ground, as well as in fulfilment of the existing engagements of Portugal, to perform this act of humanity and justice.

I have, &c.

(Signed) PALMERSTON.

Lord Howard de Walden.
&c. &c. &c.

No. 40.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, April 9th, 1838.

I HEREWITH transmit to you, for your information, with reference to your communications with the Portuguese Government upon Slave Trade, the copy of a Despatch from Her Majesty's Commissioners at Rio de Janeiro, giving an account of the intercourse between that port and the coast of Africa in the month of December, 1837.

I have, &c.

Lord Howard de Walden.
&c. &c. &c.

(Signed) PALMERSTON.

Enclosure in No. 40.

His Majesty's Commissioners at Rio de Janeiro to Lord Palmerston.

December 31st, 1837.

(See Class A. of this Series, No. 63.)

No. 41.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, April 14th, 1838.

WITH reference to my Despatch to your Lordship, marked Slave Trade of the 24th of March, 1838, enclosing an amended draft of a Treaty upon Slave Trade, to be proposed to the Government of Her most Faithful Majesty, I have to observe to you that it will be advisable that, at the conclusion of article 3, as it stands in that draft, the following words should be added, "and by which Slave Trade is declared to be piracy." I send to you a draft of the Article, containing the words now proposed to be added to it.

You will propose to the Portuguese Minister, that this version of Article 3 shall be substituted for that version of it, which was contained in the draft of a Treaty sent to you with my Despatch of the 24th of March, 1838.

I have, &c.

Lord Howard de Walden.
&c. &c. &c.

(Signed) PALMERSTON.

No. 42.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, April 28, 1838.

HER Majesty's Government are desirous of learning definitively, and without further delay, whether the Portuguese Government do or do not intend to make good the engagements into which Portugal has entered towards Great Britain, with respect to the abolition of the Slave Trade, by concluding the Treaty, of which I sent a draft to your Lordship, with my Despatch of the 24th of March, 1838.

I have, therefore, received Her Majesty's commands to desire, that, before your Lordship quits Lisbon on your leave of absence, you will obtain from the Portuguese Government a distinct and formal declaration, whether they will, or will not, conclude that Treaty.

I have, &c.

(Signed) PALMERSTON.

Lord Howard de Walden.

&c. &c. &c.

No. 43.

Viscount Palmerston to Lord Howard de Walden.

MY LORD,

Foreign Office, April 30, 1838.

I HEREWITH transmit to your Lordship copies of Communications recently received from Her Majesty's mission at Rio de Janeiro, showing the extent of Portuguese Slave Trade at and near that place; and containing a statement of the open protection afforded to that traffic by the Governor of Angola; and I have to instruct your Lordship's to present to the Portuguese Government the note, of which I send to you a draft.

I am, &c.

(Signed) PALMERSTON.

Lord Howard de Walden.

&c. &c. &c.

Enclosures in No. 43.

Mr. Hamilton to Viscount Palmerston.
November 28, 1837.

Mr. Gordon to Viscount Palmerston.
January 19, 1838.
(See Nos. 46 and 57.)

Third Enclosure in No. 43.

The Undersigned, &c., has received directions from Her Majesty's Government to draw the attention of the Government of Her Most Faithful Majesty to the accounts recently received by the British Government of the extent to which the Slave Trade is carried on from the colony of Angola.

It appears that in the four months of September, October, November, and December, in the year 1837, the following slave vessels, sailing under the Portuguese flag, and all of them from Angola, imported slaves into South America, viz. :—

In September,—

The "*Margarita*" landed 334 slaves at Mangaratiba.

In October,—

The "*Florida d'Africa*" landed 327 slaves at Parangua.

" <i>Tacuhy</i> "	314	Mangaratiba.
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" <i>Flor de Rio</i> " (Zan)	314	Campos.
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" <i>Asserqueira</i> "	437	St. Sebastian.
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In November,—

The "*Don Manuel de Portugal*" landed 476 slaves at Inarica.

" <i>Terceira</i> "	334	Jaimandoa.
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" <i>Diligente</i> "	312	Jaimandoa.
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" <i>Antonio</i> "	517	Taipù.
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" <i>Nympha</i> "	352	Taipù.
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" <i>Circonio</i> "	477	St. Sebastian.
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" <i>Argirona</i> "	336	Alto Moirão.
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" <i>Dous de Fevereiro</i> "	538	Ponte Negra.
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In December,—

The " <i>Virtude</i> " landed 613 slaves at Ponte Negra.		
" <i>Liberat</i> "	348	St. Sebastian.
" <i>Esperanca</i> "	382	Alto Moirao.
" <i>Dous de Avril</i> "	288	Copa Cabrana.
" <i>Josefina</i> "	300	Tamandua.
" <i>Rio Jua</i> "	304	St. Sebastians.
" <i>Maria Segunda</i> "	573	Campos.
" <i>Veloz</i> "	682	Sepetiba.

It thus appears that in the three months of October, November, and December, last year, 8219 slaves were actually landed in the Brazils from ships sailing under the Portuguese flag.

By recent advices received from Angola itself, it appears that the Portuguese officer who, since the date of Her Most Faithful Majesty's Decree of December, 1836, against Slave Trade, has been appointed Governor at Angola, has established an impost or fee of 700,000 reis, to be paid to him for every vessel which embarks slaves from thence; it being understood that, upon payment of the abovementioned sum, no impediment to the illicit traffic shall be interposed by the Governor, nor any further risk be incurred by the persons engaged in the Trade.

Moreover, it appears, that the Governor has lately been guilty of a violation of the orders of his Sovereign, if possible, still more direct and flagrant, by sending from Angola, for his own account, a shipment of slaves, 60 in number, which he has consigned to a notorious slave dealer of the name of Vincente at Rio de Janeiro.

The Undersigned has, in this statement of facts, confined himself to the proofs which have come to the knowledge of Her Majesty's Government, as to the Slave Trade carried on from the single settlement of Angola; and he is instructed to request the Portuguese Government to institute the most severe inquiries into the transactions in question; the British Government not doubting that, if the alleged facts shall be verified, the officer now administering the Government of Angola will forthwith be dismissed from his post.

But the Portuguese Government must be well aware, that these flagrant violations of the Treaties on Slave Trade, by subjects of Her Faithful Majesty at Angola, form but a small portion of the offences of this kind constantly committed by Portuguese subjects, both in and out of authority, in various parts of the dominions of Portugal; and the Undersigned is instructed to express the just expectation of the British Government, that the Government of Portugal will, in pursuance of its Treaty engagements, punish and prevent such violations of the laws which have been enacted in Portugal against the trade in slaves.

PORTUGAL. (*Consular.*)

No. 44.

Mr. Egan to Viscount Palmerston.—(Received March 20, 1838.)

*British Consulate, Cape de Verde Islands,
Villa de Praya, 27th November, 1837.*

MY LORD,

I HAVE the honour to enclose to your Lordship the copy of a Letter which I addressed to Lieutenant Rosenberg, commander of Her Majesty's ship "Forester," respecting a large Spanish brig, called the "*Imprendedor*," that was at anchor in this Bay on the day of our arrival, and ostensibly cleared out that evening for Cadiz, although destined for the African Coast.

I have, &c.

(Signed)

JOS. EGAN.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 44.

Mr. Egan to Lieut. Rosenberg.

SIR,

British Consulate, Cape Verde Islands, Nov. 27th, 1837.

I HAVE received such information as leads me to conclude that the Spanish brig "*Imprendedor*," that was anchored in this Bay, and sailed shortly after our arrival, is destined for the Gallinas, for the purpose of taking in a cargo of slaves, although ostensibly cleared out for Cadiz.

I feel it my duty to make this communication, as you are so immediately to follow her to the Coast of Africa.

I have, &c.

Lieut. Rosenberg, Her Majesty's Schooner "Forester."

(Signed)

JOS. EGAN.

No. 45.

Mr. Smith to Viscount Palmerston.—(Received March 20th, 1838.)

MY LORD,

British Consulate, Lisbon, 13th March, 1838.

I HAVE the honour to transmit herewith, for your Lordship's information, the *Diario do Governo* of the 5th instant, together with a translation of a Despatch from the Minister of Foreign Affairs to the Minister of Marine, requesting him to inform the Governor, now about to proceed to the Cape de Verd Islands, of the frequent criminal infractions there committed, of the decrees of the 10th December, 1836; and 16th January, 1837, and to enjoin upon him the strictest observance of those decrees, with an assurance that no neglect on his part, in that respect, will be overlooked.

I have also the honour to forward to your Lordship a translation of the enclosure to which the above Despatch refers, being a Circular, addressed to the Portuguese Consuls in the ports of the Brazils, wherein they are directed to use every exertion to prevent the Slave Trade from being carried on in the Portuguese dominions, or in vessels under the Portuguese flag; for the better effecting of which, they are instructed to inquire strictly into the nationality of all vessels entering their respective ports under Portuguese colours.

I have, &c.

(Signed)

WILLIAM SMITH.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 45.

(Translation.)

*M. Sa da Bandeira to the Baron de Bomfim.**Foreign Office, 2nd March, 1838.*

INFORMATION having reached this Office from Havana, that a great number of vessels in ballast, and wearing Portuguese colours, arrived during last year at the Island of Cuba, from the Portuguese dominions in Africa, and particularly from the Islands of Principe and St. Thomas; and the Government having been informed, by communications received respecting the vessels lately condemned at Sierra Leone, that, contrary to the stipulations of Treaties concluded between this Crown and that of Great Britain, a scandalous abuse has been made of the Portuguese flag to cover the infamous traffic in slaves, already entirely prohibited by the Decree of the 10th of December, 1836, as in like manner, by that of the 16th January, 1837, the purchase and naturalization of foreign vessels was prohibited with the exception, for a time, of steam vessels, such vessels only being considered to be Portuguese as, to the date of this last Decree, were navigating under the Portuguese flag, or as may in future be built in Portugal or her Dominions; I have the honour to request that your Excellency, now that the Governor is about to proceed to those Islands, will inform him of the frequent criminal infractions of the above cited Decrees there committed, and recommend to him upon his immediate responsibility a strict observance and execution of those Decrees, with an that no neglect on his part in this respect will be overlooked.

I have the honour to enclose a Copy of the Circular which I have this day addressed on this subject to the Portuguese Consuls in the Brazilian Ports.

God preserve your Excellency,

(Signed)

SA DA BANDEIRA.

His Excellency Baron de Bomfim,
&c. &c. &c.

Sub-Enclosure in No. 45.

(Circular.)

Palace of Necessidades, 2nd March, 1838.

Doubts having arisen at the Consulate-General of Portugal at Rio de Janeiro, respecting the execution of the Decree of the 10th December, 1836, relative to the abolition of the Slave Trade, it was declared on the 12th ultimo to the Consul-General at that Port, that the duty required of him by the Law was to oppose that traffic by all means in his power, and to endeavour to co-operate in aid of the Brazilian Tribunals so long as those Tribunals do not act illegally (seeing that the Trade is prohibited by Law in the Brazils) and, in that case to interpose those protecting Offices, which being comprised in the ordinary duties of his charge, need not to be pointed out to him by special instructions: further, that as all nations in general, having always had in view the encouragement of their ship-building, do not tolerate the nationalisation of foreign vessels, and this principle having been adopted in the modern legislation of Portugal, he should therefore strictly observe the instructions contained in the Circular of the 1st of March, 1837, whereby it was directed that all publicity should be given to the Decree* of the 16th January of that year, prohibiting the purchase and nationalisation of foreign vessels (with the temporary exception of steam-boats) and declaring that such vessels only would be considered Portuguese as were already under the Portuguese flag, at the date of that Decree, or as might in future be built in Portugal and its dominions; that he should always use the greatest vigilance to prevent the odious traffic in slaves from being carried on under the Portuguese flag, and impose the strictest injunctions accordingly upon the Consular Agents, his subalterns, suspend any of them who might be found to favour that traffic, and report regularly to this Office whatever might occur in that respect; and finally, he was informed in the name of Her Majesty's Government, that Her Majesty was determined to dismiss him or any other Consular Officer who might be found remiss in his efforts to prevent the Slave Trade from being carried on in the Portuguese Dominions, or in vessels under the Portuguese flag, or negligent in the discharge of the other duties of his Office, and in complying with the orders transmitted to him.

(Signed)

SA DA BANDEIRA.

To the Consul at

* Article 2 of the Portuguese Decree, dated January 16th, 1837, referred to in the preceding.

Article 2nd.—Only those vessels shall be considered Portuguese which have been navigating under the Portuguese flag until the publication of this Decree, and those in future built in the Ports of Portugal, or other Asiatic or African Dominions. Steam boats also, to be purchased in foreign countries within three years from the date of this Decree, shall be considered Portuguese vessels, provided they belong to Portuguese subjects, and are navigated in conformity to the laws of the kingdom.

NETHERLANDS.

No. 46.

Sir E. C. Disbrowe to Viscount Palmerston.—(Received February 9.)

MY LORD,

The Hague, 7th February, 1838.

I HAVE thought it my duty to avail myself of the visit of Governor Maclean to this country to ascertain correctly the effect of the late mission of General Verveer to the King of the Ashantees.

In referring to the enclosure in my Despatch, marked Slave Trade, of the 3rd of October of last year, I must acquit both the Netherland Government and General Verveer of intentionally entering into arrangements for favouring that detestable traffic; but he resided too short a period in the country, to obtain a correct insight into the views and prejudices of the people, and he has thus been led into some unintentional errors.

For instance, General Verveer asserts, that the Slave traders give three or four times more for a Slave on the lower coast east of Accra, than the bounty he offers for a recruit; therefore he contends, the people would not sell him slaves.

If this assertion relative to the price be true, still, as Mr. Maclean affirms that the Ashantees cannot be conveyed to the coast east of Accra as slaves, the comparative price does not hold good in argument.

General Verveer states, that boatmen can be obtained in the British and Dutch settlements to carry off slaves to the vessels on the coast.

Mr. Maclean denies this assertion in toto, as far as the British are concerned.

General Verveer compares the situation of the inhabitants of Ashantee to the state of the serfs in Europe in the middle ages.

He maintains, that as the serfs are attached to the soil, they cannot be sold as slaves. But, as domestic slavery does exist in Ashantee, and as the serfs are saleable in certain cases to pay their owner's debts, they are liable, when sold, to be delivered over as recruits.

It is insinuated, that these recruits may be happier in Java than if they continued slaves in their own country; and that every care is taken to emancipate them first; but the meaning of the ceremony is not fully understood, either by the slave himself or by the owner, and the precautions taken to prevent the recruits from deserting whilst in Africa contribute to encourage them in error.

All the precautions which have been devised, are not, in the opinion of Governor Maclean, sufficient to prevent the people of that country from erroneously considering this mode of recruiting as a covert slave trade; and it will be in its effects very disastrous to the moral well-being of that part of the African continent.

It remains, therefore, to consider what mode can be adopted for inducing the Netherland Government to alter its late decisions.

I beg leave, therefore, to state, that I am of opinion that this Government is perfectly ready to adopt any regulations to meet the humane views of Her Majesty's Government; but it is not disposed to give up its right of recruiting on that shore. It is, in fact, the only mode by which it can obtain a sufficient number of recruits for its regiments in Java. As the commerce with these settlements is absolutely nil, the power of recruiting is the only return for the expenses to which they are subjected in governing these settlements. But if any other mode of recruiting could be pointed out, the Netherland Government might perhaps be induced to abandon the present objectionable mode of proceeding.

Mr. Maclean seems to be of opinion, that no objection could exist to allowing the Dutch Government to recruit among the liberated negroes at Sierra Leone; indeed he seems to think, that it might be a means of ameliorating the condition of these unfortunate persons, and might at the same time contribute to diminish the expense of the colony itself; and I therefore humbly venture to mention the subject to your Lordship.

Ignorant, however, as I am, whether such a proposal is contrary to existing stipulations for the abolition of the Slave Trade, or whether it would for other reasons be contrary to the views of Her Majesty's Government, I shall refrain from alluding to the subject here, until I am honoured with your Lordship's commands.

I beg to add a Copy of a Memorandum from Governor Maclean, which I have just received.

I am, &c.

(Signed)

E. C. DISBROWE.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 46.

(Memoranda.)

By Governor Maclean.

THE mode of recruiting now pursued by the Dutch Government on the Coast of Guinea, is certainly less objectionable than that followed previously to General Verveer's mission. The system pursued up to the beginning of 1837 was in direct contravention not only of the spirit, but of the letter of the existing Treaties betwixt the Netherlands and Great Britain relative to the Slave Trade, as well as contrary to the laws of the Netherlands on the same subject. So far from any manumission of the slave taking place on his embarkation for Java, his master continued to hold a property in him, recognized by the Government itself, who engaged to pay him (the master) an annuity during the currency of his slave's service, and no provision was made for his eventual manumission. The late Governor (Laus) at this moment receives the annuity of about 2500*f.* for the services of slaves purchased by him, and hired out to the Government. In short, had a Netherland transport, with a party of these recruits on board, been detained by a British cruiser, condemnation must necessarily have followed in the Courts of Mixed Commission, who are bound to act in all cases in accordance with the conventions regarding the Slave Trade.

But although according to General Verveer's plan of previous manumission the letter of the Slave Trade Conventions may not be infringed, yet the great objection still remains—that the entire system is founded and depends upon the purchase and sale of human beings. The natives cannot be expected to understand nice distinctions; they can only judge by what they see and know—by the fact that they can sell their slaves for a very high price to the Dutch local authorities.

It may be said, and is said, that the individual's consent is obtained previously to his enlistment, but any one acquainted with the country and its inhabitants must know how futile, practically speaking, such a provision is. A slave has no will of his own, and he is manumitted *only* on condition of his enlisting; in other words, he is transferred from a black to a white master, in consideration of a sum of money paid to the former, and in what else does the Slave Trade consist?

But the great evil occasioned by the system is, that it revives among the native traders all their former partiality for the Slave Trade—a partiality which 30 years has not been able entirely to extinguish.

Let us see how the system works practically. I will suppose a native chief possessing 100 domestic slaves, is in pecuniary difficulties; he immediately selects say 50 of his slaves, signifies to them that he finds it necessary to sell them, and instructs them that when brought before the Dutch authorities they must express their perfect willingness to leave the country. Suppose some of them refuse; then are they at the mercy of a tyrannical and exasperated master, who will so treat them as they well know that it were better for them to be at once put to death. Besides the high price paid for their slaves as recruits will revive that spirit of slave dealing in the interior which for want of a market had become well nigh dormant; and many will embark in it as a regular business. It is entirely incorrect to allege that the leeward slave-market is open to Fantee and Ashantee; I can and do distinctly assert the contrary. No slaves can be conveyed across the Rio Volta, without the knowledge, connivance, and indeed protection of the British and Danish authorities.

That such was the case ten years ago, to a small extent, is doubtless true; but means were taken by the authorities which effectually prevented it. No slaves, I can assert confidently, have been exported from any part of the coast between Cape Apollonica and the Volta, since 1830; of this a most convincing and unanswerable proof is afforded by the fact that, within the last 8 or 10 years, slaves on the Gold Coast have become almost valueless; at least they *had* become so, until the late system of recruiting was introduced by the Dutch. I have very frequently had to affix a value on slaves during the last 7 years, and never exceeded in my valuation 40*f.*, 50*f.*, or 60*f.*, save on rare occasions. Often have free persons offered voluntarily to become my slaves, for the simple reason that all fear of expatriation was at an end, and that under a white man's protection they were sure to be provided for. But the strongest proof of all that the present system of recruiting by the Netherland Government is attended with the worst features of the Slave Trade—namely, *forcible* expatriation—consists in the fact, that during the *three* years that the system of *voluntary* enlistment was tried, the authorities at Elmina did not procure above 20 recruits, if so many; this of itself shows that few or none of the present enlistments can properly be said to be *voluntary*.

On the whole, it would be extremely desirable that some other mode of recruiting, free from the above objections, should be devised.

Let voluntary enlistment, in the proper sense of the word, be again resorted to, the Government giving such a bounty as would induce free negroes to enter the service.

But let all be done without the intervention of the chiefs, caboceers, or masters of slaves.

If they can profit by the enlistment of their vassals or slaves, they will scruple at no means whereby to obtain recruits; and I most firmly and conscientiously believe, that the recruits obtained during the last three years have been the produce of much tyranny, oppression, cruelty, and injustice.

The Hague, February 7th, 1838.

No. 47.

Viscount Palmerston to Sir E. C. Disbrowe.

SIR,

Foreign Office, 4th April, 1838.

YOUR Despatch, marked Slave Trade, of the 7th of February last, with its accompanying Memorandum, from Governor Maclean, on the subject of General Verveer's mission to Africa, has been received.

The information contained in these Papers furnishes strong grounds for presuming that, whatever may be the intentions of the Dutch Government, or of its agent, the recruits for Java are nevertheless generally raised from a class of persons who are held in a state of slavery; and although the practice of obtaining these persons for the service of the Dutch Government be called recruiting, the system produces in effect, though under another name, a revival of the slave trade in that part of Africa.

If such be the facts, the Dutch Government cannot persist in the system without a departure from the faith of treaties, and from their own professions; and you will therefore make an appeal, which I trust will not be vain, to the Government of Holland, against the continuance of a practice which is open to abuses of so baneful a tendency.

I do not consider myself called upon to offer any observations on the abstract right of that Government to raise recruits in Africa; but I desire that you will return an answer decidedly negative to any proposition which may be made by the Government of Holland, for permission to draw recruits from any of the British settlements in Africa.

I have, &c.

(Signed) PALMERSTON.

To Sir E. C. Disbrowe,
&c. &c. &c.

No. 48.

Sir E. C. Disbrowe to Viscount Palmerston.—(Received April 16.)

MY LORD,

The Hague, 10th April, 1838.

By the last post I had the honour to receive your Lordship's Despatch of the 4th instant.

I have carefully referred to the whole of the correspondence, which has passed between the Netherland Government and this mission on the subject, and have presented, in obedience to your commands, the note, of which I have the honour to enclose a copy.

I have thought it necessary to reply to some observations in General Verveer's letter, transmitted in my Despatch marked Slave Trade, of the 3rd of Oct. 1837, the one relative to the advantages accruing to the slaves themselves, the other with regard to certain facilities which the General supposes to be granted for the embarkation of slaves at the British Commenda.

Finally, I have quoted that part of Baron Verstolk's note of the 26th of September, in which he states the Instructions sent to the Dutch Resident at Coomassie, and suggests, that the Netherland Government should go one step further, and that no recruits should be raised from a class of persons who are held in a state of slavery, if indeed the recruiting cannot be abandoned altogether.

I have, &c.

(Signed) E. C. DISBROWE.

P.S.—The departure of General Verveer and the expedition for the Gold Coast, is fixed for the 15th, and I was anxious my note should reach Baron Verstolk before the departure of that officer.

Enclosure in No. 48.

Sir E. C. Disbrowe to Baron Verstolk.

MONSIEUR LE BARON,

The Hague, 10th April, 1838.

In obedience to the orders which I have received, I have the honour of addressing some further observations to your Excellency relative to the mode of recruiting on the coast of Africa. Your Excellency, on the 26th of September last, was good enough to transmit to me a copy of a letter which General Verveer addressed to the Colonial Minister, giving an account of his mission to the

coast of Africa, in which that officer details his whole proceedings, and defends the Treaty which he signed with the Ashantees, on the ground that the Treaty can in no ways contribute to encourage war or Slave Trade in the interior, and that the condition of the Netherland recruits is preferable to that of the African slave.

In giving every credit to General Verveer for the humanity with which they are treated, it is an argument so often used by the advocate of the Slave Trade in defence of their commerce, that one cannot but regret seeing reproduced on the present occasion. The individual may be benefited, but the system unfortunately encourages Slave Trading.

Without intending to reply to the whole of General Verveer's letter, or to consider the abstract question of raising recruits, I cannot but observe that General Verveer must have been led into an unintentional error, when he asserts that "the embarkation of slaves is but too much promoted, undoubtedly promoted, by the facility afforded to the slave dealers at Elmina, at the Danish settlement Accra, and at the British Commenda, and elsewhere, for providing themselves with canoes and rowers for that purpose."

Governor Maclean, who has so long resided in that country, positively asserts that for the last ten years no such event has occurred, as the authorities, both British and Danish, have taken measures which have effectually prevented it, and not one slave has been exported from any part of the coast between Cape Appolonia and the Volta since 1830.

The consequence has been that slaves on the Gold Coast had since that period become nearly valueless, fetching on an average from forty to sixty guilders; but this price has risen since the Netherland Government has recruited on that coast.

General Verveer states the value of the slave in Ashante is 100*fl.*, while he says from 200*fl.* to 300*fl.* might be obtained on the lower coast for the slave. Admitting once more the truth of this fact, it proves, not that the Netherland agent does not pay in bounty the price of a slave in Ashantee, but that the transaction is accomplished with so much greater security under the Treaty, as to render it a better investment for the slave merchant than incurring the risk and expense of a journey to the coast; and I believe it will be found, on reference to the proper documents, that the market price of a slave is below the price actually given as a bounty for a slave of whom, when manumitted, a recruit is made.

In conclusion, I conceive the case may be thus resumed. Formerly the owner of a slave who became a recruit, besides a small bounty, received a pension during the actual period of the man's service,—an arrangement which, in fact, bore so strong a resemblance to hiring out slaves, that the practice was wisely and humanely abolished by the Netherland Government, and secondly, as a further security against abuse (according to the plans of General Verveer), the slave is actually manumitted before he is enlisted.

The question which naturally here arises is, does the slave completely understand the alteration in his condition by the act, which takes place in the presence of the Netherland or other authorities? And can he really be considered a free agent?

From what I collect in General Verveer's letter it is possible that, from the care taken by the British authorities to explain the nature of the enlistment to the negroes living under the protection of our flag, they may comprehend it, but in Ashantee, I apprehend, it is very different.

The owner contracts to find a recruit for a certain sum: the slave, who is produced by his owner, is instructed what he is to say, and what he is to do, as the price of his liberty, and if he refuses to comply he knows the hard fate which awaits him; and although he may individually have bettered his condition, and be able to taunt his former master, and say, "I no longer fear your bloody law," it is no proof he really understands that he has done any thing else than change an oppressive for a lenient master; and it certainly would be satisfactory to know "how many recruits at the moment of embarkation have freed themselves from their military engagements, and retained their emancipation."

I learn with pleasure from your Excellency, in your note of the 26th of September, that the Netherland Government has gone one step further in improving the system of recruiting, and has certainly done away with many of the objections attending it.

The note says,—"*Qu'aucun individu ne saurait être présenté au Président des Pays Bas à Coomassie ni être reçu par lui, qui aurait été fait prisonnier de guerre, qui aurait été condamné à l'esclavage pour crime ou délit; qui par suite de dettes ou d'obligations contractées, soit personnellement, soit par ses parens ou autres, aurait été enlevé de force à sa patrie.*"

Although slaves made in war, slaves sold for debt, and slaves made such for crimes, are excluded, and thus the ground for mischief is considerably narrowed, the error in principle remains. The basis of the recruiting still is, the transfer of a human being from one master, for a sum of money, to another: this is the foundation of the system. In one instance it is called purchase-money, in the other bounty, or enlistment; and however precisely and conscientiously the Netherland agent may follow his instructions in selecting the recruits, still the money is paid, directly or indirectly, to the owner of the slave. The place of the slave thus parted with is filled up by his former owner, who will purchase his successor elsewhere, and thus the practice of slave dealing in the interior is indirectly but effectually encouraged.

Under the full conviction that the Netherland Government is most anxious to destroy every cloak for Slave Trading, I venture to throw out a suggestion which, from the vastly improved arrangements lately made by the Netherland Government, I trust will meet with a ready concurrence. It seems impossible that any recruiting on that coast can be freed from an indirect encouragement of Slave Trade, or indeed come within the spirit of existing treaties, unless every class of persons born or being in a state of slavery should be excluded from its operation. It is to be hoped that orders to that effect will be sent to the Resident at Coomassie, unless to counteract this mischief which has unwittingly been caused by the late mode of recruiting, the preferable measure of discontinuing the recruiting altogether on that coast can be effected.

I avail myself, &c., &c.,
(Signed)

E. C. DISBROWE.

To the Baron Verstolk de Soelen,
&c. &c. &c.

No. 49.

Sir E. C. Disbrowe to Viscount Palmerston.—(Received April 16th.)

MY LORD,

The Hague, 13th April, 1838.

I HAVE this day had a verbal communication with the minister of the Colonies, General Van-den-Bosch, on the subject of the Dutch recruiting on the coast of Africa.

His Excellency informs me, that my note of the 10th instant has been transmitted to General Verveer, and that officer has been instructed, in case he should find that the measures which he has adopted for recruiting in Africa have any tendency to encourage Slave Trade, forthwith to take such steps as may be deemed advisable, effectually to counteract the evil.

His Excellency requested that I would be convinced, that it was impossible for any Government to be more thoroughly resolved to put a stop to this iniquitous traffic, than that of His Netherland Majesty.

I shall probably be enabled to give your Lordship a more detailed statement in a few days.

I have, &c.

(Signed)

E. C. DISBROWE.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

BRAZIL.

No. 50.

Mr. Hamilton Hamilton to Viscount Palmerston—(Received Jan. 31, 1838.)

MY LORD,

Rio de Janeiro, 28th November, 1837.

I HAVE the honour to transmit to your Lordship returns of the Vessels which arrived from the coast of Africa, in this harbour, during the months of September and October, and of the Cargoes which they had previously landed in the vicinity.

I take leave also to add to the above Reports, a Letter from Her Majesty's Consul at Pernambuco, together with Extracts from two others, dated Rio de Janeiro, which relate to the same subject.

I have, &c.

(Signed)

HAMILTON HAMILTON.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 50.

List of Slave Traders under the Portuguese Flag for the month of September, 1837.

Rio de Janeiro, 1st October, 1837.

1. Schooner "*Andorinha*," from Benguela, landed 300 slaves at the Alto Moirão.
2. Smack "*Firmeza*," from Angola, landed 317 slaves at Campos.
3. Smack "*Margarita*," from Angola, landed 334 slaves at Mangaratiba, where she changed the Portuguese flag for the Brazilian, and loaded with produce for this port.

Total number of slaves imported by three vessels, during the month of September last, 951.

Second Enclosure No. 50.

List of Slave Traders under the Portuguese Flag for the month of October, 1837.

Rio de Janeiro, November 1, 1837.

- No. 1. Patacho "*Florinda de Africa*," from Angola, landed 327 slaves at Parangua, and thereafter proceeded to Monte Video, from whence she is arrived with a cargo of carne seca.
- No. 2. Patacho "*Jacutry*," from Angola, landed 314 slaves at Mangaratiba.
- No. 3. Schooner "*Flor de Rio*," from the Rio Zaire, landed 314 slaves at Campos.
- No. 4. Brig "*Aperceira*," from Angola, landed 437 slaves at St. Sebastian, from thence she proceeded to Parangua, where she took in cargo for Monte Video, and is now arrived here with carne seca.

Total number of slaves imported by four vessels, as above, 1462.

Third Enclosure in No. 50.

Mr. Consul Watts to Mr. Hamilton.

SIR,

British Consulate, Pernambuco, October 27th, 1837.

ALTHOUGH it cannot have escaped your vigilance, allow me to fix the attention of your Excellency on the speech of Senhor Bernardo Pereira de Vasconcellos, now the Minister of Justice, and, *ad interim*, Minister of the Empire, in the Administration recently formed, which appeared in the "*Jornal do Commercio*," of the 19th of last August, No. 182, of which the following is an extract, declaratory of his sentiments on the subject of the Slave Trade, now so actively pursued all along the coast of Brazil:—

"Neither does it appear to me very consistent to wish thus to banish foreign labourers, and at the same time to prohibit the importation of Africans; in this case, we shall have neither the one or the other. And what will be the effect on our industry? I have wished to emit my opinion with respect to the importers of Africans, and on this subject it appears that I differ from my illustrious colleagues. Let the English carry into execution this Treaty, which they have forced upon us by thus abusing their superior power, but to expect that we should promote these speculations of theirs, gilded with the name of humanity, is unreasonable; nor does it accord with the feelings of resentment which so many acts of violence have engendered in Brazilian breasts."

On the 14th instant, the following entry was made at the Custom-house of this port:—

G 2

"Portuguese patacho '*Leoramento*,' from Soanda, entered on the 12th instant, consigned to the Master, Antonio Carlos, Francisco da Silva. Manifested as follows:—'60 pipes of salt water.'"

Pretos Brocoes, or African slaves, of recent importation, have been sold here very lately at from 200 to 250 milreis a-head; these low prices cannot replace to the speculator his first cost and charges, and it is inferred that many persons who were recently engaged in this inhuman traffic have sustained heavy losses, yet this glut in the market will only, in my opinion, put a temporary check to the spread of the evil, since those who pursue it, navigating their own vessels, cannot fail to derive large gains from their adventures in the Slave Trade with the Coast of Africa.

Hamilton Hamilton, Esq.
&c. &c.

(Signed)

I have, &c.,
EDWARD WATTS,
Her Majesty's Consul.

Fourth Enclosure in No. 50.

Extract of a Letter dated Rio de Janeiro, 26th October, 1837.

You will have noticed that the number of slaves imported since the month of June has, according to the monthly reports, considerably diminished. This seeming falling off of the trade is chiefly to be attributed to the detention of several vessels, which entered the port after the Instructions were issued for a more rigorous examination of the vessels, to establish their having been employed in the Slave Trade.

In consequence of those detentions, parties interested in the vessels that were expected sent instructions to the places where they were to discharge, that they should not, except in case of necessity, return to this Port. These vessels, detained in consequence of the orders of the ex-Minister of Justice, have all been liberated by the present Minister, who is a decided protector of the illicit traffic in slaves.

I some time ago mentioned to your Excellency, that no reliance could be placed on the Portuguese Government or their Authorities for the due execution of the recent decrees for the abolition of the Slave Trade. It now appears that, since the issuing of those decrees, a new Governor has been appointed to Angola, and, by advices latterly received from thence, this person has fixed the sum of 700,000 Rs. to be paid to him for every vessel that embarks slaves; and, for that sum, every impediment and risk is removed on the part of the Governor to the illicit traffic: moreover, by a vessel lately arrived on the coast, but which did not enter this Port, the same Governor shipped 60 slaves for his own account, and consigned them to a notorious slave-dealer here, of the name of Pimenta, jun.

Fifth Enclosure in No. 50.

Extract from a Letter dated Rio de Janeiro 13th November, 1837.

Your Excellency is aware that on the 6th of June last, Mr. Montezuma, the late Minister of Justice, issued a Portaria, by which a more rigorous examination was ordered on board of the vessels arriving from the Coast of Africa, and for that purpose, that they should be visited and examined by the Guardamor of the Custom-house and 2 individuals from the Marine Arsenal, in presence of a Juiz de Pay, and of a person from the Portuguese Consulate.

In consequence of these examinations, several vessels were detained, as having on board articles indicative of their being employed in the Slave Trade. They were proceeded against by judicial process before the Juiz de Pay, but although the proofs were conclusive, and every one of the vessels detained was found to have on board an extraordinary number of water-casks, yet the Juiz de Pay was so corrupt as to absolve them all.

Notwithstanding this, Mr. Montezuma ordered further proceedings to be instituted, and in the case of one of the vessels, the "*Josefina*," a true bill was found by the Jury on the 1st instant against her crew, for being guilty of the crime of traffic in slaves, although the Juiz de Pay had previously absolved them and the vessel from criminality.

These proceedings caused great alarm to the slave-traders, so much so, that the activity in fitting out vessels for the traffic was suspended, and advices were despatched to those parts of the coast where the slaves are generally landed, to warn the vessels arriving against entering this Port.

Had these measures been persisted in, they would have operated as a powerful check to the prosecution of the traffic, and might ultimately have tended to its total extinction in this Port.

Unfortunately a change of Ministers took place, and Mr. Vasconcellos, a notorious protector of the traffic in slaves, was appointed Minister of Justice. On the 10th of last month he issued a Portaria to the chief of Police, ordering that 4 of the vessels detained should be delivered up to their Owners, under the pretext that they had been absolved by sentences of the Juiz de Pay; and, by subsequent Portarias, the other vessels detained have also been restored to their Owners.

On the 21st of the same month, by an Aviso from the same Minister, the Portaria of 6th June, issued by Mr. Montezuma was revoked, and it was ordered that the Guardamor should no longer continue his examinations on board the vessels from the coast of Africa, and that the visits should be made in conformity with the practice followed prior to Mr. Montezuma's Portaria.

These proceedings of Mr. Vasconcellos have not only removed every impediment to the undisturbed prosecution of the traffic in slaves, but have generally encouraged the slave-traders, so much so, that vessels that were laid up have been immediately fitted for another voyage, and the slave-dealers carry on their traffic more openly, without fear of being disturbed, or being disturbed or being questioned for their illegal conduct.

Since the present Ministry came into office, there has been established a depôt at the Bay of Jurujuba, on the opposite side of the harbour, where upwards of 1,600 newly-imported slaves have been openly exposed for sale.

At the chacara of a person named Albuquerque, near to Praga Grande, there is another depôt, where upwards of 900 slaves have been on sale. At the Island of Paqueta there is another depôt, where the sale of new slaves is so openly carried on that they are to be seen exposed on the beach. So little dread have the slave-dealers of being punished for their nefarious traffic, that on the afternoon

of the 31st instant, and in daylight, upwards of 30 new slaves were landed at the quay close to the Marine Arsenal, and, accompanied by a number of armed sailors, were marched up the Rue dos Pescadores, one of the most public streets of this city.

It is not to be believed but that the Government must be aware of these doings, yet no measures whatever have been adopted to prevent them. The only thing now required for the free and uninterrupted sale of slaves in Brazil is, that the measure of the Marquis of Barbacena be approved of by the Chamber of Deputies in their next Session. Should the measure pass, there cannot be a doubt that new slaves will be openly exposed for sale, and even hawked about, not only in this city, but also all over the country, in defiance of the existing Treaty and Conventions betwixt Great Britain and Brazil.

I have taken some pains to ascertain the probability of the Marquis of Barbacena's measure passing the Chamber of Deputies in the next Session, and I am assured that its not having passed last Session is chiefly to be attributed to the measures adopted by Senhor Amaral, one of the Members of the Committee of Diplomacy, who dissented from his colleagues, and gave a separate Report, declaring that the projected law infringed the Treaty with Great Britain.

I am also assured that, notwithstanding of that Report, the Law will, to a certainty, pass the Chamber of Deputies, unless your Excellency or Her Majesty's Government remonstrate against it, and explicitly announce to the Brazilian Government that the passing of that Law will be considered as a decided infringement, on the part of Brazil, of the existing Treaties.

Your Excellency is aware that, in the last Session of the Chamber of Deputies, it was agreed that the Minister for Foreign Affairs should attend the discussion of the Law in question in order, with the view of ascertaining the feelings of Great Britain respecting it; therefore, however, well disposed the Minister for Foreign Affairs may be against the traffic in slaves, and to prevent the passing of the Law, still his opposition could not be so effectual as if he were in possession of remonstrances by Her Majesty's Government on the subject.

I have to assure your Excellency that the traders in slaves form a powerful body, and are possessed of great influence in the State.

They have, moreover, come forward with subscriptions to a large amount, which is now deposited for the purpose of being distributed when the Law referred to passes; and I have good reason to believe the present Minister of Justice will have a considerable share for his services and support in promoting, as he has already done, the interests of the slave-traders.

No. 51.

Mr. Hamilton Hamilton to Viscount Palmerston.—(Received Jan. 31, 1838.)

MY LORD,

Rio de Janeiro, 28th November, 1837.

WITH reference to my Despatch, Slave Trade, of the 14th of October last, I have the honour to forward herewith, a translation of the Vote of Senhor Amarel, a member of the Diplomatic Committee in the Chamber of Deputies, delivered by him in a question growing out of M. de Barbacena's project of a Law for Suppression of Slave Trade, a translation which I had not time to prepare for last packet.

I have, &c.

(Signed)

HAMILTON HAMILTON.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 51.

(Translation.)

From Paper No. 199 "Typographia Nacional," 1837.

Palace of the Chamber of Deputies, 30th September, 1837.

THE Committee of Diplomacy has had before it the requisition of the Deputy Senhor Martin Francisco, that it should examine whether the Project No. 133, received from the Senate, be or not in opposition to the Treaties with Great Britain, and, after having compared it with the same Treaties, the Committee is of opinion, that the Project referred to is in no respect opposed to the same, and, therefore, that it may still be discussed.

(Signed)

A. M. DE MONRA.

ARANJO RIBEIRO.

MANOEL MARIA DE AMAREL, *Dissentient.*

(Separate Vote.)

Palace of the Chamber of Deputies, 30th September, 1837.

THE Convention of the 23rd November, 1826, between our Government and that of Great Britain, prohibiting the traffic in slaves on the coast of Africa, is, in the opinion of the Undersigned, attacked by the Project of Law No. 133, received from the Senate. The spirit of the said Convention, the Treaties to which it refers, and the Law of the 7th November, 1831, prohibit that the traffic in slaves be carried on, in or out of Brazil, by Brazilian subjects: the Project, while continuing to prohibit the traffic in Africans on the coast of Africa, protects that traffic within the empire; the Project abrogates the Law of the 7th November, 1831, as inadequate to put an end to the same traffic, and it therefore enacts other means, more efficacious for the execution of the Convention in that respect, for as much as it affirms that the non-execution of the same law of the 7th November arises from there being a larger portion of our population interested in such traffic, for the purpose of obtaining hands for the cultivation of the soil, and because many of our countrymen are already implicated in this contraband trade.

These are the reasons in support of the Project of the Senate, which are said to be unconnected with the Treaties, and in favour of the adoption of the Project. The object of the Convention being, not merely to reduce the traffic on the coast of Africa, but to abolish it by means of obstacles to that end; it is clear that Laws allowing the trade to be carried on within the empire in the public markets

and in the presence of the Authorities, are in violation of the basis of the said Convention, and contrary to the principle on which it is founded.

It is in vain that heavy fines be imposed and greater vigilance enjoined to prevent the traffic, short of the importation into Brazil, the which, if on the one hand it appear to be intended to diminish the traffic on the coast of Africa (even which is so far evidently contrary to what was stipulated by the High Contracting Parties) on the other hand by giving every security to the merchants accomplishing the importation, would necessarily augment and extend the very same traffic.

If Brazil, in order to augment or preserve her riches, cannot dispense with the continued importation of Africans, if this be demonstrated and useful to the country, which is the opinion of the undersigned it is not, the course to be followed would be to require at once the revocation of the Convention itself, as vitally necessary for the preservation of the country, and also to abrogate the law of the 7th November, 1831, and not to endeavour, under specious pretences, to elude a Convention which ought to be maintained by all the powers of the State.

The non-execution of a Law, so important as that of the 7th November, 1831, is attributable more to negligence and protection than to any real want of the country, notwithstanding the inadequate measures taken in regard to colonization. If there were an Administration resolved to execute the Law in question, the Undersigned is convinced that it (the Law) would not be trodden down as it has been, and that such an Administration taking the requisite precautions, would neither sacrifice the country nor place it under the necessity of continuing the hideous commerce in Africans. This, no doubt, would be the principal object of a prudent Administration, desirous of promoting the material improvement of the country, and of supporting our institutions. The Undersigned, not thinking it necessary to extend the development of this subject, concludes that the Project of the Senate attacks the Convention of the 23rd of November, 1826.

(Signed)

MANOEL MARIA DE AMAREL,

(One of 13 Deputies for the Province of Bahia.)

No. 52.

Mr. Hamilton Hamilton to Viscount Palmerston.—(Received Feb. 13, 1838.)

MY LORD,

Rio de Janeiro, 18th December, 1837.

I HAVE the honour to transmit to your Lordship a return of the Vessels which arrived from the coast of Africa, in this harbour, during the month of November, and of their Cargoes which they had previously landed in the vicinity.

I have, &c.

(Signed)

HAMILTON HAMILTON.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 52.

List of Slave Traders under the Portuguese Flag for the Month of November, 1837.

Rio de Janeiro, December 1st, 1837.

No. 1, brig "*Don Manoel de Portugal*," from Angola, landed 476 slaves at Marica, and thereafter proceeded to Monte Video, where she landed a cargo of beef, and returned to this Port.

No. 2, patacho "*Terceira*," from Angola, landed 334 slaves at the island of Taimandoa, near St. Sebastian, which belongs to a Portuguese named Vellozo, partner of Ausstacio, who was owner of the "*Maria da Gloria*," captured by Her Majesty's ship "*Snake*" in the year 1834. In consequence of his being the owner of that vessel and cargo of slaves, he was ordered to leave the country, but afterwards got the order withdrawn.

No. 3, schooner "*Diligente*," from Angola landed 312 slaves at the same island of Taimandoa, near St. Sebastian.

No. 4, brig "*Brillante*," from Ambriz, landed 479 slaves at the island of Taimandoa, near St. Sebastian, thereafter proceeded to Paranagua, where she took in a cargo for Monte Video, and has now returned with a cargo of beef from the last port.

No. 5, brig "*Antonio*," from Angola, landed 517 slaves at Taipio, near the entrance of this port of Rio de Janeiro.

No. 6, brig "*Novo Destino*," from Quilimane, landed 677 slaves at Macaché.

No. 7, schooner "*Nympha*," from Angola, landed 852 slaves at Taipa, near the entrance of this harbour.

No. 8, brig-schooner "*Arcanio*," from Angola, landed 477 slaves at St. Sebastian, thereafter proceeded to Monte Video, and returned to this with a cargo of beef.

No. 9, schooner "*Angerona*," from Angola, landed 336 slaves at Alto Moira, near Taipu.

No. 10, brig "*Deus de Fevereiro*," from Angola, landed 538 slaves at Ponta Negra.

Total number of slaves imported by 10 vessels as above, 4498.

No. 53.

Viscount Palmerston to Mr. Hamilton Hamilton.

SIR,

Foreign Office, 28th February, 1838.

HER Majesty's Government have reason to believe, that the Brazilian Law of the 7th of November, 1831, prohibiting Slave Trade, and attaching certain penalties to the crime of carrying it on, has been wholly ineffectual for the purposes

for which it was expressly issued. They deem it their duty to demand now from the Brazilian Government, formally and distinctly, the full and faithful execution of the engagements, contracted by Brazil, towards Great Britain, by the convention which was concluded between the two countries on the 23rd of November, 1826; for the abolition of the African Slave Trade of Brazil.

I have therefore to desire that you will, upon the receipt of this Despatch, deliver in to the Brazilian Minister for Foreign Affairs, a note upon this subject, of what I send herewith to you a draft for your guidance.

I have, &c.

(Signed) PALMERSTON.

Hamilton Hamilton, Esq.,
&c. &c. &c.

Enclosure in No. 53.

Copy of a Note to be presented by Mr. H. Hamilton to the Brazilian Government.

THE Undersigned, Her Majesty's Envoy, &c. has received directions from his Government to remind the Government of Brazil, that, by the 1st Article of the Convention which was concluded on the 23rd of November, 1826, between Great Britain and Brazil, for the abolition of the African Slave Trade of Brazil, the Brazilian Government engaged, that three years after the ratifications of the said Convention (of which the ratifications were exchanged on the 13th of March, 1827,) a law should be passed in Brazil, declaring it unlawful for any Brazilian subject to be concerned in the carrying on of the African Slave Trade, under any pretext or in any manner whatsoever; and decreeing that the carrying on of such trade after that period by any person, as subject of the empire of Brazil, should be deemed and punished as piracy.

The Undersigned has further been directed to observe that, although on the 7th of November, 1831, a law was promulgated in Brazil prohibiting the Slave Trade, and attaching certain penalties to the crime of carrying it on, that law does not, however, declare slave trading to be piracy, and does not ordain, that slave traders shall be treated as pirates; and as Her Majesty's Government have reason to believe, that the above-mentioned law has been wholly ineffectual for the purpose of suppressing the Brazilian Slave Trade, the Undersigned has been directed to declare, that Her Majesty's Government now deem it their duty formally and distinctly to demand from the Brazilian Government the full and faithful execution of the engagement, contracted by the aforesaid 1st Article of the Convention of 1826.

The Undersigned, &c.

(Signed)

PALMERSTON.

No. 54.

Mr. Hamilton Hamilton to Viscount Palmerston—(Received March 5, 1838.)

MY LORD,

Rio de Janeiro, 31st December, 1837.

I HAVE the honour to forward herewith the copy of a note which I addressed to the Brazilian Government, with the Slave Trade Reports of September, and which I omitted to enclose in my Despatch, of the 18th instant, on that subject.

I have, &c.

(Signed)

HAMILTON HAMILTON.

Right Hon. Viscount Palmerston, G.C.B.
&c. &c. &c.

Enclosure in No. 54.

THE Undersigned has the honour to transmit herewith to the Minister of Foreign Affairs the reports addressed to the British Legation on slave importation during the months of September and October.

According to these returns, and to preceding ones, since the month of last June, it would appear that the importations from that date have considerably diminished. This, however, is really not the case. The apparent falling off is mainly attributable to the Portaria issued on the 1st of June, by the late Minister of Justice, providing for a more rigorous detention and examination of vessels arriving from the Coast of Africa; which Portaria, however evaded after a time in its essentials, had certainly the effect of impeding the hitherto unrestrained ingress of slavers into this harbour.

Foreseeing the impediments which must inevitably arise to their commerce from the strict execution of this enactment, the parties interested in the vessels then expected from the Coast of Africa, instructed their Agents at the places where the cargoes were to be discharged, not to allow of the vessels returning afterwards to Rio de Janeiro, except in cases of great emergency; but to refit for another voyage at their anchorages on the coast, their exportation cargoes being forwarded to them from hence by smacks. And it has been calculated that, in this manner, full 3500 more slaves over and above the number expressed in the accompanying return for October were landed on the coast during that month.

If the Portaria of June 6th, however, was thus evaded in part, still it appeared likely to co-operate materially towards the ultimate extinction of the traffic; and, certainly, it did produce a very manifest immediate benefit, by traversing the speculations of the traders so far as the port of Rio de Janeiro

was concerned, and rendering their vessels, which had before entered it with perfect impunity, more liable to seizure and condemnation at any future coming.

But this Portaria having been superseded by others which have re-established the defective system originally in force, the Undersigned will not occupy the Minister's time by further observations regarding it. He will take leave to state here only a few flagrant circumstances demonstrating the unblushing activity and perseverance with which these traffickers in human flesh ply their horrible trade, at open day, under the very eye of the Brazilian authorities.

Within the last few weeks a depôt has been established at the Bay of Jurujuba, on the opposite side of the harbour, where upwards of 1600 newly-imported slaves have been openly exposed for sale.

At the chacara of a person named Albuquerque, near to Praga Grande, there is another depôt, where upwards of 900 slaves have been on sale; at the isle of Paqueta is another, where the sale of new slaves is so publicly carried on, that they are to be seen exposed on the beach.

And, indeed, so little apprehension have the dealers of being punished for any infraction of the laws on this subject, how notorious soever it may be, that, on the afternoon of the 3rd instant, when it was yet daylight, upwards of 80 new slaves were landed at the quay close to the marine arsenal, and, accompanied by a number of armed sailors, were marched up the Ruados Pescadores, one of the most public streets of this city.

These overt acts—and there are others of a different description which also might be adduced—must be admitted to be conclusive as to the prosperous and advancing state of the traffic at the present juncture; and the Undersigned, in bringing them to the knowledge of Senhor Antonio Peregrino Mariel Monteiro—if indeed it can be possible that the Government should be ignorant of them—is satisfied that he is only affording to his Excellency another urgent motive for the exertion of his best energies towards its suppression.

The Undersigned, &c.

(Signed) HAMILTON HAMILTON.

Rio de Janeiro, November 30th, 1837.

No. 55.

Mr. Hamilton Hamilton to Viscount Palmerston.—(Received March 5, 1838.)

MY LORD,

Rio de Janeiro, 31st December, 1837.

WITH reference to my Despatch, of the 15th August last, of this series, I have the honour to transmit, for your Lordship's information, the copy of a note from the Minister of Foreign Affairs, in answer to mine of the 4th August, protesting against the decision announced by His Excellency's predecessor in that Department, in his circular of the 24th July, on the subject of Duties to be levied in future on British Manufactures suitable for the African market, arriving *in transitu* at Rio Janeiro; and I am happy to say, that the said note states, that the Brazilian Government have rescinded, after mature consideration, the above-mentioned decision of Senhor de Montezuma.

I have, &c.

(Signed) HAMILTON HAMILTON.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 55.

(Translation.)

THE Undersigned, &c., in acknowledging receipt of the note which Mr. Hamilton Hamilton, &c. addressed to his predecessor, on the 4th of last August, and in which he protested against the announcement made by the latter in his note of the 24th July, respecting the dues of re-exportation and transhipment to be levied on British merchandise suitable for the trade to the Coast of Africa, has the honour to inform Mr. Hamilton Hamilton, that the Government of His Majesty the Emperor having maturely considered the dispositions of Art. 10, § 1 of the Law of 22nd of last October, has ordered that the Department of Finance should put into literal execution the said Law, which relates only to such merchandise as shall be dispatched in the Custom-houses of the empire for re-exportation or transhipment for the Coast of Africa, which, as the Undersigned has just been informed by the Minister of the above Department, has been put into practice.

The wishes of Mr. Hamilton Hamilton being in this manner complied with,

The Undersigned, &c.

(Signed) ANTONIO P. M. MONTEIRA.

No. 56.

Mr. Gordon to Viscount Palmerston.—(Received March 18.)

MY LORD,

January 19, 1838.

I HAVE the honour to transmit to your Lordship a return of the Vessels which arrived from the coast of Africa during the month of December last, and of the Cargoes which they had previously landed in the vicinity of this port.

From the similar returns forwarded to your Lordship by Her Majesty's Legation, during the course of the year 1837, it will appear, that the Slave Trade to this port is carried on exclusively by vessels under the Portuguese flag. With few

exceptions, these vessels are foreign built, and, consequently, have no right to be recognized as Portuguese. They have all been purchased in Brazil, or have at one period been under the Brazilian flag. The real owners are either Brazilian subjects, or Portuguese residing in Brazil. In many instances, the domicile of the reputed Portuguese owner is not mentioned in the Consular Pass under which the vessel is navigated, while in others the owner is said to be resident in Loanda, or at some other place on the coast of Africa.

During the year 1837, 92 vessels under the Portuguese flag have entered this port from the coast of Africa, after landing their cargoes of slaves in the neighbourhood. By these vessels 41,616 slaves have been imported; this number—however, is short of the actual importation, because some vessels have made two or three voyages during the year, without having entered the port; and no account has been made of their cargoes, except for the voyage on which they have entered to refit. The real importation, therefore, may be estimated at not less than 46,000.

With the exception of 3 vessels, which landed their cargoes at Paranagua (a place where the demand for slaves is very limited, and the situation of which is remote from any other market), the whole of the slaves have been landed on this coast, within the compass of less than four degrees of latitude; namely, from Campos to the north, to the Island of St. Sebastian's to the south, the port of Rio de Janeiro being the central point, and equidistant from each. This being the case, may I be permitted to suggest, that if 8 or 10 small fast-sailing vessels of war were employed in cruising for slavers within the limits just mentioned, certain means for the effectual suppression of the trade with this port would appear to be attained; for it seems scarcely possible, that such cruisers should not fall in with and detain the greater part, if not all, of these lawless traders.

The Slave Trade with this port, I regret to add, has increased to a fearful and unprecedented extent. In the year 1829 (the last during which this horrible traffic was lawful) the importations were considered to be immense; still, in that year, the number of slaves imported was only 44,000, in 105 vessels.

New negroes are now openly exposed for sale in several parts of the city, and at Taquahy, a few leagues distant, there is established a regular market for them, exactly as before the passing of the law of November 7, 1831.

I have, &c.

(Signed) G. GORDON.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Enclosure in No. 56.

Return of Vessels engaged in the Slave Trade, which have entered this Port under the Portuguese Flag, during the month of December, 1837, after having landed their Cargoes of Slaves on this Coast.

- No. 1. Smack "*Henriqueta*," from Cape Lebo; landed 319 slaves at Campos.
 - No. 2. Bark "*Quatro de Março*," from Quilimane, landed 950 slaves at the Island of Tamandua, near St. Sebastian's; 100 slaves died during the passage, and a number of those landed were attacked with ophthalmia.
 - No. 3. Brig "*Sandade*," from Mozambique; landed 613 slaves at Taipu.
 - No. 4. Smack "*Vertude*," from Angola; landed 350 slaves at Ponta Negra.
 - No. 5. Pantacho "*Liberal*," from Angola; landed 348 slaves at St. Sebastian's.
 - No. 6. Brig "*Luzitano*," from Mozambique; landed 800 slaves at Campos: 77 died during the voyage.
 - No. 7. Schooner "*Esperança*," from Angola; landed 382 slaves at Alto Moirão.
 - No. 8. Patacho "*Dois d'Abril*," from Angola; landed 283 slaves at Capa Cabana; they passed along the Praya Vermelha, and were deposited at the house of Lieutenant-Colonel Vasco, at the Glória.
 - No. 9. Brig "*Triumfante*," from Mozambique; landed 712 slaves at Campos.
 - No. 10. Schooner "*Josefina*," from Angola; landed 300 slaves at the Island of Tamandua, and then proceeded to Monte Video, from whence she has returned to this port with only 18 casks of tallow.
 - No. 11. Brig "*Triunfo d'Inveja*," from Quilimane; landed 814 slaves at Campos.
 - No. 12. Brig "*Rio Zua*," from Angola; landed 304 slaves at St. Sebastian's; she then proceeded to Monte Video, from whence she has arrived here with only a few casks of tallow.
 - No. 13. Brig "*Maria Segunda*," from Angola; landed 573 slaves at Campos.
 - No. 14. Bark "*Veloz*," from Angola; landed 682 slaves at Lepiteba.
- Total number of slaves imported by 14 vessels, as above, 7330.
Rio de Janeiro, July, 1838.

No. 57.

*Viscount Palmerston to Mr. Galvao.**Foreign Office, 23rd March, 1838.*

THE Undersigned, &c. has received Her Majesty's Commands to request, that Mr. Galvao, &c. will remind the Brazilian Government, that by the 1st Article of the Convention which was concluded on the 23rd of November, 1826, between Great Britain and Brazil, for the Abolition of the African Slave Trade of Brazil, the Brazilian Government engaged, that 3 years after the Ratifications of the said Convention (of which the Ratifications were exchanged on the 15th of March, 1827), a Law should be passed in Brazil, declaring it unlawful for any Brazilian subject to be concerned in the carrying on of the African Slave Trade, under any pretext, or in any manner whatsoever; and decreeing that the carrying on of such Trade after that period by any person,—a subject of the Empire of Brazil,—should be deemed and treated as piracy.

The Undersigned has further been commanded to observe, that although, on the 7th of November, 1831, a Law was promulgated in Brazil, prohibiting the Slave Trade, and attaching certain penalties to the crime of carrying it on, that Law does not, however, declare Slave Trading to be piracy, and does not ordain that Slave Traders shall be treated as pirates; and, as Her Majesty's Government have reason to believe, that the above-mentioned Law has been wholly ineffectual for the purpose of suppressing the Brazilian Slave Trade, the Undersigned is commanded to declare, that Her Majesty's Government now deem it their duty, formally and distinctly, to demand from the Brazilian Government the full and faithful execution of the engagement contracted by the aforesaid 1st Article of the Convention of 1826.

Mr. Galvao,
&c. &c.

I have, &c.
(Signed) PALMERSTON.

No. 58.

*Viscount Palmerston to Mr. Gordon.**Foreign Office, 26th March, 1838.*

SIR,

I HAVE received your Despatch marked Slave Trade, of the 19th January last, on the subject of the Laws of Brazil for the suppression of the Slave Trade.

I have already, by Her Majesty's Command, stated to Mr. Hamilton Hamilton, under date of the 28th of February, 1838, that Her Majesty's Government had reason to believe, that the Law of the 7th of November, 1831, has been wholly ineffectual for the purposes for which it was expressly issued; and I instructed Mr. H. Hamilton to demand, formally and distinctly, from the Brazilian Government the full and faithful execution of the engagements, which Brazil had contracted towards Great Britain by the 1st Article of the Convention of the 23rd of November, 1836; that, 3 years after the Ratifications of that Convention, a Law should be passed in Brazil, declaring that the carrying on of the Slave Trade by any person,—a subject of the Empire of Brazil,—should be deemed and treated as piracy.

I enclose herewith to you a Copy of the Note, which Mr. Hamilton was directed to present to the Brazilian Government on this subject; and, in the event of its not having reached Brazil previously to your receiving this Despatch, or if any other cause should have prevented or delayed the presentation of the Note in question, you will lose no time, after the receipt of this Instruction, in presenting such Note to the Brazilian Government.

George Gordon, Esq.
&c. &c. &c.

I have, &c.
(Signed) PALMERSTON.

No. 59.

M. Galvão to Viscount Palmerston.—(Received April 4th, 1838.)

MY LORD,

York Terrace, le 3 Avril, 1837.

LE Soussigné, Envoyé Extraordinaire, et Ministre Plénipotentiaire de S. M. L'Empereur du Brésil, a l'honneur d'accuser la réception de la note, que son Excellence Mr. le Vicomte Palmerston, Principal Secrétaire d'Etat de Sa

Majesté Britannique au Département des Affaires Etrangères, lui adressa, d'ordre de Sa Majesté Britannique, lui demandant de rappeler au Gouvernement Impérial, que par l'Article 1^{er} de la Convention qui a été conclue le 23 Novembre, 1826, entre la Grande Bretagne et le Brésil, pour l'abolition du commerce des esclaves Africains fait par le Brésil, le Gouvernement Impérial s'est engagé à faire passer une Loi, trois ans après la Ratification de la dite Convention (dont les Ratifications ont été Echangées, le 13 Mars, 1837), déclarant illicite aux sujets Brésiliens de prendre aucune part dans le commerce des esclaves Africains, sous aucun prétexte, et d'aucune manière que ce fut, et décrétant qu'un tel commerce fait après cette époque par des sujets de l'Empire du Brésil serait jugé et traité comme piraterie.

Son Excellence a reçu en outre l'ordre de lui rappeler, que, quoiqu'une loi ait été promulguée au Brésil, prohibant le commerce des esclaves, et établissant certaines peines contre le crime de continuer avec ce commerce, cette loi ne l'a pas néanmoins déclaré piraterie, et n'ordonne pas que ceux qui le feraient seraient traités comme des pirates; et comme le Gouvernement de Sa Majesté Britannique a raison de croire, que la loi audessus mentionnée a été entièrement inefficace pour la suppression du commerce Brésilien des esclaves, son Excellence avait l'ordre de déclarer que le Gouvernement de Sa Majesté Britannique a maintenant jugé de son devoir exiger formellement et distinctivement du Gouvernement Impérial l'exécution claire et fidèle de l'engagement contenu dans le 1^{er} Article de la dite Convention de 1826.

Le Soussigné s'empresse de transmettre la note de son Excellence Mr. le Vicomte Palmerston à son Gouvernement, qui la prendra d'autant plus dans sa considération, qu'il a en quelque sort anticipé les desirs du Gouvernement de Sa Majesté Britannique, en renouvelant au soussigné l'ordre de solliciter du Gouvernement de la Reine, sa puissante coopération pour que le Portugal, dont le pavillon protège les trafiquants d'esclaves se prête à signer une Convention avec la Grande Bretagne par laquelle les navires rencontrés sur la haute mer avec des esclaves soient déclarés pirates; le soussigné a l'ordre de souscrire immédiatement à une telle Convention, et son Gouvernement a vu avec regret échouer tous les efforts que les deux Gouvernements ont fait jusqu'ici, pour atteindre une fin si salutaire; ce que le soussigné, déjà deux fois, a eu l'honneur de communiquer à son Excellence.

C'est la ferme conviction du Gouvernement Impérial que, sans cette mesure préliminaire toutes les autres que le même Gouvernement prendrait resteraient sans effet: et cette réclamation lui semble d'autant plus juste, et son opinion d'autant plus bien fondée qu'il est de simple intuition, que le Gouvernement de Sa Majesté Très Fidèle ne peut pas même alléguer en sa défense des préjugés invétérés, ni de la résistance d'une population agricole, accoutumée depuis des siècles à juger légitime ce qu'une loi très récente a déclaré ne l'était pas; de manière que le commerce des esclaves déjà abominable de sa nature devient plus abominable encore protégé par un pavillon étranger dans l'Amerique du Sud.

Sur un objet d'un si vaste intérêt le soussigné espère encore avoir l'honneur de solliciter l'attention de son Excellence,

Le soussigné saisit cette occasion, &c.

(Signé)

M. A. GALVAO.

à Son Excellence M.-Le Vicomte Palmerston, G.C.B.

&c.

&c.

&c.

(Translation.)

MY LORD,

York Terrace, April 3, 1838.

The undersigned, &c. has the honour to acknowledge the receipt of the note which his Excellency Viscount Palmerston, &c. addressed to him by command of Her Britannic Majesty, requiring him to remind the Imperial Government, that by the first Article of the Convention, concluded Nov. 23, 1826, between Great Britain and Brazil, for the abolition of the African Slave Trade of Brazil, the Imperial Government engaged to cause a law to be passed, three years after the exchange of the Ratifications of that Convention (which exchange took place March 13, 1827), declaring it unlawful for Brazilian subjects to take any part in the African Slave Trade, under any pretext, and in any manner whatever, and decreeing that any such traffic carried on after that time by subjects of the empire of Brazil, should be deemed and treated as piracy.

His Excellency has further been commanded to remind the undersigned, that though a law has been promulgated in Brazil, forbidding the slave trade, and establishing certain punishments for the crime of continuing to carry on that traffic, yet that this law does not declare it to be piracy, and does not ordain that those who engage therein shall be treated as pirates; and as the Government of Her Britannic Majesty has reason to believe, that the law above-mentioned has been entirely inefficacious for the suppression of the slave trade of Brazil, his Excellency has been commanded to declare, that Her Britannic Majesty's Government has now judged it right to exact formally and distinctly from the Imperial Government the clear and faithful execution of the engagement, contained in the first Article of the said Convention of 1826.

The undersigned will hasten to transmit the note of his Excellency Viscount Palmerston to his Government, who will the more readily take it into consideration, as it has in some measure anticipated the wishes of the Government of Her Britannic Majesty, by renewing its order to the undersigned to solicit the powerful aid of Her Majesty's Government in inducing Portugal, whose flag protects the Slave Traders, to sign a Convention with Great Britain, by which vessels found on the high seas, with slaves on board, may be declared to be pirates: the undersigned has been ordered to accede immediately to such a Convention, and his Government has seen with regret the failure of all the efforts hitherto made by the two Governments for the attainment of so salutary an object; this the undersigned has already had the honour to communicate twice to his Excellency.

It is the firm conviction of the Imperial Government, that, without this preliminary measure, all the others which it might take would remain ineffectual: and the present demand appears to be the more just, and their opinion the better founded, because it is plain that Her Most Faithful Majesty's Government cannot even allege in her defence the inveterate prejudices or the opposition of an agricultural population, accustomed for ages to consider lawful that which a very recent law has declared to be no longer so; so that the slave trade, already abominable in its very nature, becomes even more abominable, protected as it is by a foreign flag, in South America.

The undersigned hopes again to have the honour of soliciting his Excellency's attention to this vastly important subject.

The undersigned takes, &c.

(Signed)

M. A. GALVAO,

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 60.

Viscount Palmerston to M. Galvao.

Foreign Office, 16th April, 1838.

THE Undersigned, &c. has received the note which was addressed to him on the 3rd instant, by M. Galvao, &c. in acknowledgment of the note which was addressed to M. Galvao, by the undersigned, on the 23rd of March, 1838; stating, by command of Her Majesty, that Her Majesty's Government now deem it their duty formally and distinctly to demand from the Brazilian Government, the full and faithful execution of the engagement contracted by the first Article of the Convention of the 23rd of November, 1826, between Great Britain and Brazil, for the abolition of the African Slave Trade of Brazil.

The undersigned waits for the reply which the Government of Brazil may make to the communication of his note of the 23rd of March, and trusts in the honour and justice of the Brazilian Government, that the reply will be satisfactory.

The undersigned observes, in the mean time, with satisfaction, in M. Galvao's note, that M. Galvao is authorized to subscribe, at once, on the part of Brazil, to a Convention to be concluded between Great Britain and Portugal, for the effectual suppression of the slave trade of Portugal.

The undersigned can assure M. Galvao, that Her Majesty's Government is omitting no effort to induce the Portuguese Government to sign such a Treaty as that which is mentioned by M. Galvao.

The undersigned, &c.

(Signed)

PALMERSTON.

To M. Galvao,

&c. &c.

No. 61.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, April 28, 1838.

I OBSERVE, by an Enclosure in Mr. Hamilton's Despatch Slave Trade, of April 18, 1837, that M. Limpo de Abreo encouraged a hope, that the Brazilian Government may eventually permit a hulk to be stationed in the harbour of Rio de Janeiro, for the reception of such negroes as shall be captured by Her Majesty's cruisers, and sent to Rio de Janeiro for adjudication.

I have to instruct you to repeat to the Brazilian Minister the application which Mr. Hamilton had made upon this head; and, as the measure in question has no other object in view than to mitigate the sufferings of the detained negroes, I feel confident that the Brazil Government will not refuse their consent to it.

I am, &c.

(Signed)

PALMERSTON.

W. G. Ouseley, Esq.

&c. &c. &c.

No. 62.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, April 28, 1838.

You will perceive by my Despatch to Mr. Hamilton Hamilton, marked Slave Trade, of the 4th of December, 1837, that I approved of the intention which Mr. Hamilton has expressed, of protesting against the Law proposed by the Marquis de Barbacena on Slave Trade, if it should be adopted by the Legislature of Brazil.

You will be guided by those instructions to Mr. Hamilton, in the event of the proposed Law passing the Brazilian Legislature in its present form; and you will accordingly, in such case, protest against that Law, as containing provisions adverse to the tenor and spirit of the Conventions on Slave Trade, which subsist between Great Britain and Brazil.

I am, &c.

(Signed)

PALMERSTON.

W. G. Ouseley, Esq.

&c. &c. &c.

No. 63.

Viscount Palmerston to Mr. Ouseley.

SIR,

Foreign Office, 30th April, 1838.

I HEREWITH transmit to you, under flying seal, an Instruction,* which I have addressed to Her Majesty's Commissioners at Rio de Janeiro, relative to the cases of vessels which, though bearing the Flag of Portugal, are not entitled by that fact to be exempted from the penalties, to which they would be otherwise liable, for being concerned in Slave Trade; but may, under the circumstances specified in the enclosed Instructions, be adjudged and condemned by the Mixed Court at Rio de Janeiro, under the Treaty between Great Britain and Brazil, for the suppression of the Slave Trade.

You will communicate to the Government of Brazil the Instructions, which I have felt it to be my duty to give to Her Majesty's Commissioners on this subject; and you will express to them the confident expectation of her Majesty's Government, that the Government of Brazil will give corresponding Instructions to the Brazilian Members of the Mixed Court sitting at Rio de Janeiro, in furtherance of the common desire of the Governments of Great Britain, Brazil, and Portugal, to put down the Trade in Slaves.

I am, &c.

(Signed)

PALMERSTON.

W. G. Ouseley, Esq.

&c. &c. &c.

* Despatch to Her Majesty's Commissioners at Rio de Janeiro.

Foreign Office, 30th April, 1838.

(Class A. of this Series, p. 93, No. 67.)

BRAZIL. (Consular.)

No. 64.

Mr. Consul Watts to Viscount Palmerston.—(Received April 9, 1838.)

MY LORD,

British Consulate, Pernambuco, Feb. 15, 1838.

I HAVE the honour to transmit to your Lordship a transcript from a Letter which I addressed to Her Majesty's Minister at the Court of Rio de Janeiro, on the 21st of October of last year, to draw his Excellency's attention to the opinion emitted by Senhor Vasconcellos on the subject of the Slave Trade in Brazil.

That opinion has been formally declared by the Provincial Legislative Assembly of Rio de Janeiro, in their Representation of the 17th of last November, to the General Legislative Representation of the Nation, copy and translation, of which I have now the honour to transmit to your Lordship.

The Editor of the "Jornal do Commercio," whence that representation has been taken, declares that this important subject has already passed the Senate, and that there is every probability it will be made law in the next sessions of the Legislature, to annul the enactment of the 7th of November, 1831, which prohibits the Slave Trade in Brazil under severe penalties.

I have, &c.

(Signed)

EDWARD WATTS,
Her Britannic Majesty's Consul.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

First Enclosure in No. 64.

Extract of a Despatch from Mr. Consul Watts to His Excellency Hamilton Hamilton, Her Britannic Majesty's Minister at the Court of Rio de Janeiro, dated the 27th of October, marked "Slave Trade," No. 5.

SIR,

ALTHOUGH it cannot have escaped your vigilance, allow me to fix the attention of your Excellency to the speech of Senhor Bernardo Pereira de Vasconcellos, (now the Minister of the Empire, in the Administration recently formed) which appeared in the "Jornal de Commercio" of the 19th of August last, No. 182, of which the following is an extract, declaratory of his sentiments on the subject of the Slave Trade, now so actively pursued all along the coast of Brazil.

(Translation.)

Nor does the wish to expel European labour, and to deter the entrance of Africans, appear to me very consistent; we shall thus have neither the one nor the other, and what will then be the produce of our industry. I wished to offer my opinion in respect of the importers of African hands, and I insist that it seems to me I dissent from my illustrious colleagues, although the English may carry into effect that Treaty, imposed upon us by violence, in abuse of their prepotency, but that we should co-operate with the English in their speculations emblazoned with the name of humanity, is not reasonable, nor does it accord with the feelings of the Brazilian heart, which have been excited by so many violences.

(A true Copy and Translation.)

(Signed)

EDWARD WATTS,
Her Britannic Majesty's Consul.

To Viscount Palmerston, G.C.B.

&c.

&c.

&c.

Second Enclosure in No. 64.

(Translation.)

*Representation of the Provincial Legislative Assembly of Rio de Janeiro respecting the Slave Trade.
Palace of the Provincial Legislative Assembly of Rio de Janeiro,
the 17th of November, 1837.*

AUGUST AND MOST WORTHY REPRESENTATIVES OF THE NATION,

THE Provincial Legislative Assembly of Rio de Janeiro, taking into due consideration the representations of the several Municipal Chambers of this Province, and exercising the right granted, or rather fulfilling the obligation incumbent on them by the 9th clause of the additional Act represent

to the General Legislative Assembly the urgent necessity for the repeal of the law of the 7th November of the year 1831.

That law, admitting it to be dictated by feelings of humanity, far from producing the salutary effect expected to be derived from it, has been the cause of irreparable evils, which are every where being felt, and which are opening an abyss of others still greater, whose terrific consequences can easily be foreseen, should Divine Providence not continue to protect Brazil.

The introduction of Africans has not been impeded by that Law, nor even in part diminished, but on the contrary the traffic has continued and still continues with impunity, notwithstanding the vigilant efforts of public authority to impede their introduction, being able to punish the infractors.

This subservience of the law of the 7th of November has nothing in it extraordinary, nor does it form a solitary example in the history of legislation, but rather must be held as a common occurrence, since it derives its source from the natural and irresistible course of human affairs.

The interests, the habits, the opinions of many centuries, have all combined to persuade the majority of the inhabitants of this country, that it is impossible to dispense with the labour of slaves; and at least the agricultural class, the greatest and the most important, particularly feel this necessity, and if it be an admitted truth that this opinion does actually exist among the majority of the population, one is forced to acknowledge that nothing is more common in the natural course of things than a desire to acquire the labour of slaves, in defiance of all risks, since the law to acquire a convenient and more certain subsistence is unquestionably implanted by Nature in the heart of man, and, these circumstances weighed, nothing is likewise more natural than the discouragement, the lukewarmness, and the neglect of all those whose duty it is to execute a law, such as that of the 7th of November, against which the predominant opinion of the country has been so openly pronounced, and much more so when it is observed that the infractors are so numerous that it would be impossible to punish them effectually, without incurring the risk of producing a deplorable public calamity.

Nor let it be said, that the majority who thus think are in error, and that their true interests require the abstaining from the use of slave labour; for even allowing it to be so, the law of the 7th of November cannot continue to subsist, since it is a certain principle in legislative science that errors, or prejudices among nations deeply-rooted by habits of a length of years, should not be openly impugned, but by indirect means calculated to enlighten the people and to turn them insensibly from those errors or prejudices which it becomes expedient to eradicate, and much more so if they are linked with great popular interests, although they may be more specious than real. This principle is quite applicable to the law of the 7th of November.

These considerations are enforced by another principle which admits of no exception, criminal prohibitory laws should not be enacted, the infringement of which may probably produce an increased number of infractors, rendering their punishment impracticable; the result of such laws is necessarily impunity, which adds to the number of infractors, and nothing can be more demoralizing than a Society accustomed to violate unpunished the laws. And if it be a painful fact, but which cannot be dissimulated, that the infractors of the law of the 7th of November are so many that their punishment is absolutely impracticable, and much more so since there is every reason to expect that their number must increase day by day, and be augmented, how can the continuance of the same law be allowed, without committing the gross political error of desiring, and even of promoting the demoralization of the country with all its inevitable consequences.

If, finally, our view be extended to an epoch of dangerous reaction, in which the law of the 7th of November can have sufficient vigour to become effective in all its clauses, what heart, truly Brazilian, could have the ferocity of a tiger to let tears of blood be shed on the scene of horrors that a futurity so alarming menaces. And to contemplate the painful sufferings of thousands of useful citizens, condemned to end their laborious days in galling fetters, which they had employed in the production of ample revenues with which the country that thus punished their errors, was nourished, aggrandized and prospered, the fields without cultivators, the villagers desolate.

For all these weighty reasons, and others which are not mentioned, since they are better felt than expressed, the Provincial Legislative Assembly of Rio de Janeiro hope that the august and most worthy representatives of the nation will be pleased favourably to receive the present representation in which all Brazil, and especially the Province of Rio de Janeiro, have an interest and claim as expedient.

J. CLEMENTO PEREIRA.
J. J. VAY VEIRA.
J. C. MONTEIRO.

(A correct Translation.)

EDWARD WATTS.
Her Britannic Majesty's Consul.

No. 65.

Viscount Palmerston to Mr. Wateley.

SIR,

Foreign Office, April 24, 1838.

I HEREWITH transmit to you the copy of a Despatch from Her Majesty's Commissioners at Sierra Leone, relating to the case of the Spanish brig "*General Ricafort*," condemned at Sierra Leone on a charge of being concerned in Slave Trade.

My object in sending you this Despatch is, to draw your particular attention to the statement of Her Majesty's Commissioners, that they have not found, among the papers of any vessels which, having cleared out from Bahia, had subsequently been brought before the Mixed Court of which they are members, a manifest of the cargo shipped at the Port from which the vessels cleared out.

The Commissioners add, that on being questioned as to the practice at Bahia,

the parties have denied that any such document as a Manifest, or descriptive clearance of a cargo, had been issued at Bahia in these cases.

The Commissioners observe, that the absence of any document of the nature of a Manifest, seems very irregular; and adds materially to the difficulties of arriving at a correct knowledge of the circumstances of the voyage in which the vessel is engaged.

I have to desire, that you will acquaint me with the practice which prevails upon this subject at Bahia, in order that I may give the desired information to Her Majesty's Commissioners.

I have, &c.

(Signed)

PALMERSTON.

John Whateley, Esq.
British Vice-Consul,

Enclosure in No. 65.

The Sierra Leone Commissioners to Viscount Palmerston.

September 9, 1837.

(See Class A. of First Series, No. 81, page 94.)

FRANCE.

No. 66.

Viscount Palmerston to Count Sebastiani.

Foreign Office, January 17, 1838.

THE Undersigned, &c., has the honour to transmit to his Excellency the Count Sebastiani, &c., the accompanying extract of a Despatch from Her Majesty's Consul-General in Egypt, relative to the traffic in slaves, which is alleged to be carried on in Eastern Africa, by French subjects resident at Cairo.

The Undersigned, &c.

(Signed)

PALMERSTON.

His Excellency Count Sebastiani,

&c.

&c.

&c.

Enclosure in No. 66.

Extract of a Despatch from Colonel Campbell to Viscount Palmerston, dated Cairo, Dec. 1, 1837.

(See No. 81.)

No. 67.

Viscount Palmerston to Earl Granville.

MY LORD.

Foreign Office, 27th February, 1838.

I HAVE to desire that your Excellency will again request the attention of the French Government to the draft of a Slave Trade Treaty, to be proposed to Austria, Russia, and Prussia, and which has now, since May, 1836, been under the consideration of the French Government.

More than a twelvemonth has now passed since, in answer to two pressing representations made by you on this subject to the French Minister, your Excellency received an assurance, that the orders of the King of the French would shortly be taken upon the subject.

You will express the hope of Her Majesty's Government, that the stipulations of the proposed draft of treaty may be found unobjectionable, and that the French Ambassador at London may be authorised to propose the same in conference, conjointly with myself, to the representatives of Austria, Russia, and Prussia. You will state, that this is a matter which Her Majesty's Government have much at heart, and which excites the deepest interest in this country; and you will say, that it will afford Her Majesty's Government very great and sincere satisfaction, to be able to bring the matter to a satisfactory termination in co-operation with the Government of France.

I have, &c.

(Signed)

PALMERSTON.

To Earl Granville,

&c. &c.

No. 68.

Count Sebastiani to Viscount Palmerston.—(Received March 6.)

MY LORD,

Hertford House, ce 5 Mars, 1838.

J'AI l'honneur de transmettre à votre Excellence copie d'un rapport fait à son retour en France par le Sieur Fabre, Capitaine de la goëlette Française "*L'Africaine*," au sujet de vexations qu'il aurait subies de la part d'un enseigne

CLASS B.—FURTHER SERIES.

I

de vaisseau du brick-de-guerre Anglais "le Childers," en station sur la côte d'Afrique.

Je suis chargé par mon Gouvernement d'appeler sur ce document l'attention sérieuse de votre Excellence, et de lui demander, conformément à l'article 9 de la Convention du 30 Novembre, 1833, relative à la répression de la traite, que les faits signalés soient l'objet d'une enquête, et motivent, s'il y a lieu, la punition de l'officier auquel ils sont attribués.

J'ai l'honneur, &c.

(Signé)

H. SEBASTIANI.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

(Translation.)

MY LORD,

Hertford House, March 5, 1838.

I HAVE the honour to transmit to your Excellency the copy of a statement made on his return to France by Mr. Fabre, Captain of the French schooner, "*l'Africaine*," on the subject of vexatious treatment, to which, it appears, he has been subjected by a Midshipman of the English brig-of-war, "Childers," stationed on the coast of Africa.

I am charged by my Government to call the serious attention of your Excellency to this Document, and to demand, in conformity with the 9th Article of the Convention of November 30, 1833, relative to the Suppression of the Slave Trade, that the facts stated may be made the subject of an investigation, and, if need be, may give rise to the punishment of the Officer to whom they are attributed.

I have, &c.

(Signed)

H. SEBASTIANI.

Enclosure in No. 68.

Rapport du Capitaine du Navire "l'Africaine," du-port de 86 tonneaux. Armateurs MM. Vor. et Ls. Regis, frères, et Jean Dovelley. Parti de Marseille le 19 Mars, 1837, pour la Côte Occidentale d'Afrique, et de retour à Marseille le 21 Jan. 1838.

Marseille, ce 22 Janvier, 1838.

La goelette "*l'Africaine*," partie de Marseille le 19 Mars dernier, arrivée sur la Rade de Guitandar le 7 Avril suivant, remit sa lettre pour la colonie, et repartit le même jour pour Gorée, où elle arriva le lendemain. Après un séjour de 4 à 5 jours sur cette rade, et y avoir embarqué quelques marchandises, elle mit à la voile pour se rendre à sa destination, les colonies Portugaises de la Guinée méridionale. Elle arriva à St. Paul de Loanda le 24 Juin suivant, y fit quelques opérations de commerce, et parcourut de là les établissements de Novo Redondo et St. Philippe de Benguela : elle fut de retour à St. Paul de Loanda dans les premiers jours de Septembre, d'où elle partit le 23 du dit pour se rendre à St. Thomé, et y achever la vente de sa cargaison ; elle arriva à St. Thomé le 1. Octobre, et en repartit le 16 du dit pour Akra (Côte d'Or).

Le 23 du même mois, sur le méridien de Wydha, elle fut rencontrée par le brick de guerre Anglais "Columbine," Capitaine Anderson. Le Capitaine de ce brick vint lui-même à bord de "*l'Africaine*," et ne fit à bord que les questions d'usage, où allez-vous ? à d'où venez-vous ? sans manifester aucun désir de visiter le navire, et le quitta peu après, en donnant la vraie longitude par le chronomètre, celle de "*l'Africaine*," étant erronée de 2 degrés, par l'effet des courants très rapides à l'est dans cette saison. "*l'Africaine*" continua sa route pour Akra, où elle mouilla le 29 Octobre, 1837, à 5° 30' 30" du soir. Sur cette rade se trouvaient mouillés le trois-mats de commerce "Robert Rivole," et le brick de guerre "Childers," Capitaine Keppel, tous les deux Anglais. "*l'Africaine*" vint mouiller entre les deux sur la Rade Hollandaise, le fort Hollandais restant au N.N.E. du compas. Au moment où "*l'Africaine*" passa le long du "Childers," une embarcation, montée de cinq rameurs, et d'une sixième personne, en simple veste bleue et casquette avec gallon en or, quitta ce navire et se dirigea sur elle. La brise était faible. Cette embarcation l'accosta par tribord au même instant où "*l'Africaine*" laissa tomber son ancre de babord. L'individu ci-dessus signalé, que je crus un officier, quoiqu'il n'en eût aucun insigne, monta de suite à bord ; et après avoir jeté un coup-d'œil scrutateur sur le pont du navire, il demanda le Capitaine : Je me présentai . . . Question de sa part, moitié Français moitié Anglais, si je parlais cette dernière langue. Je répondis non, et lui demandai à mon tour s'il parlait le Portugais. Une négative d'une ironie marquée fut sa réponse ; et après un petit instant il m'adressa ces mots : "D'où venez-vous ?" "De St. Thomé." "Oh, oh ! de St. Thomé," reprit-il ; et il ajouta quelques mots que je ne pus comprendre, mais s'avancant vers la grande écouteille, il me dit de la faire ouvrir, pour visiter l'intérieur du navire. Je répondis à cet ordre qui j'ouvrais l'écouteille lorsqu'il me montrait l'autorisation de S.E. le Ministre de la Marine Française pour pouvoir visiter les navires Français : à cette réponse il se fâcha, et me répéta son ordre impérativement ; je fis la même réponse, et lui observai que le traité qui existait entre la France et l'Angleterre, relativement à la répression de la traite des noirs, était très précis et très clair sur ce point-là : à ce second refus il m'accrocha au collet, me disant d'aller à son bord, et tâchant de m'entraîner vers tribord, où était son canot : je lui observai alors que mon navire n'était pas encore amarré ; que lorsqu'il le serait et les voiles serrées je m'y rendrais, si je devais y aller ; en effet, pendant ce tems le second et le maître filaient encore la chaîne, et

les matelots serraient les voiles. L'Anglais, ne se voyant pas assez fort pour m'entraîner, appela alors à son aide deux canotiers, et me voila tirailé par ces deux matelots et recevant des poussées de cet individu. MM. Villeneuve, Capitaine au long cours, et Grasset, maître au petit cabotage, l'un second et l'autre Lieutenant à mon bord, voyant cette lutte, quittent leur travail et viennent à mon secours ; ce que voyant, l'officier m'abandonne et tombe à coups de poing sur mes deux officiers. Je lui représentai que c'étaient les officiers du bord ; qu'il ne devait pas le permettre de les battre ; et que d'ailleurs il n'avait aucun droit d'exercer de pareilles violences à bord d'un navire où flottait un pavillon allié à sa nation, en lui montrant nos couleurs au haut du grand mât. A ces mots l'officier regarde notre pavillon ; "*à goddam French colours,*" ajoute quelques mots que je ne peux comprendre, et fait le simulacre de cracher dessus, me menaçant toujours et donnant quelques coups de poings à mes officiers, qui faisaient leur possible pour lui tenir les bras, et les deux canotiers, qui imitaient leur officier. Néanmoins, très certain lui-même qu'il n'était pas en droit de me faire ouvrir les écoutes, il demanda à voir les papiers du navire. Pour mettre fin à ces tracasseries, je fis monter sur le pont une boîte en fer blanc, contenant, avec les papiers du bord, d'autres papiers relatifs à la cargaison. J'en tirai le rôle d'équipage, et le lui présentai ouvert. Je refermai la boîte pour la renvoyer ; ce que voyant, il se jeta dessus ; et, aidé de ses canotiers, l'arracha des mains, me disant qu'il voulait tout avoir, et l'envoya dans son canot. Ensuite il fit monter à bord le restant de ses canotiers, et leur ordonna d'emmener mes deux officiers ; je m'y opposai ; alors, ne se voyant pas assez fort pour effectuer cet enlèvement, il se rembarqua avec ses canotiers, faisant force menaces, et retourna à bord du "*Childers*."

Demi-heure après le même canot, monté du même équipage, plus trois soldats de Marine et le même officier en époulettés et sabre, revint à mon bord. Le canot aborda à babord au porte haubans de misaine ; un soldat sauta à bord, la bayonnette nue à la main, et resta au pied du mât de misaine pour contenir au besoin mes matelots ; qui se trouvaient tous de l'avant ou en bas à leur poste. Immédiatement le canot se laissa culer aux grands porte haubans, et l'officier, les deux autres soldats, et trois canotiers, sautèrent à bord, les uns le sabre d'abordage, et les autres la bayonnette à la main, et sans me rien dire coururent sur mes deux officiers, les menaçant de leurs armes pour les faire embarquer dans leur canot. Pour éviter une plus grande violence, j'ordonnai aux matelots de ne faire aucune démonstration de résistance, et aux officiers de s'embarquer ; je demandai en même temps à l'officier Anglais si je devais le suivre aussi : il me répondit que mon tour viendrait demain.

Descendus dans le canot, mes deux officiers eurent l'impolitesse de s'asseoir dans la chambre ; ils en furent bientôt chassés sur l'avant à coups de poings. Enfin le canot partit et arriva à bord du "*Childers* ;" la garde était sous les armes et renforcée d'une dizaine de matelots armés pour recevoir deux hommes. Arrivés sur le pont, les deux prisonniers tombèrent encore dans leur même faute d'impolitesse ; ils vinrent sur le gaillard d'arrière, mais les coups de poings et les poussées du même officier les firent bientôt chasser. Enfin on apporte une barre de justice, et on les mit aux fers par les deux pieds, leur donnant à choisir du gaillard d'avant ou de l'entrepont ; ils préférèrent ce dernier.

Le même soir l'officier de garde (car il était seul officier à bord) envoya une pirogue à terre, rendre compte à son capitaine de l'arrestation des deux officiers Français. Le lendemain à 7 heures M. le Lieutenant et le Commissaire vinrent à bord du "*Childers* ;" aussitôt arrivé, le Lieutenant fit tirer des fers les deux prisonniers (ils y étaient depuis 13 heures sans qu'on leur eut offert un verre d'eau), les fit venir dans la chambre, et les interrogea en présence de l'officier ; ils dirent tout ce que s'était passé à bord de "*l'Africaine*." Après leur déposition le Lieutenant adressa quelques paroles à l'officier, qui ne répondit que *[two words illegible in the original]* quoique ce fût en Anglais, les prisonniers comprirent que c'étaient des reproches. Après cela le Lieutenant vint à mon bord pour me voir, mais j'étais déjà descendu à terre : ne m'y trouvant donc pas, il y vint aussi, mais au fort Anglais : ne m'y trouvant pas également, puisque j'étais venu au fort Danois, il retourna à son bord, et remena à bord de "*l'Africaine*" mes deux officiers et la boîte aux papiers.

Le même jour le Capitaine Keppel, son état-major, et quelques négociants d'Akra étaient invités à dîner au fort Danois : dès qu'ils arrivèrent ils prièrent M. le Gouverneur Macq, Capitaine de Frégate de la Marine Danoise, Chevalier de la Légion d'Honneur, ex-Enseigne de vaisseau de la Marine Française, d'intervenir amiablement entr'eux et moi pour que cette affaire n'eut pas de suite, et surtout que je ne fisse aucun rapport. Le Capitaine Keppel avouait que son officier avait grand tort, et que tout cela ne serait pas arrivé s'il s'était trouvé à son bord. On proposa donc un accommodement, mais je répondis que je ne pouvais accommoder que les violences qu'on s'était permises à mon égard ; qu'il fallait le consentement de mes officiers pour celles auxquelles ils avaient été en lutte ; mais que pour l'insulte faite au pavillon Français, et par conséquent à la nation entière, je n'y avais aucun droit ; que cela devait regarder Son Excellence le Ministre de la Marine, à qui j'en ferais mon rapport en arrivant en France ; que les navires Français sur la côte occidentale d'Afrique étaient trop souvent molestés par les croiseurs Anglais ; que je l'avais été trop indignement aussi dans un précédent voyage pour que je ne fusse pas obligé, pour l'honneur de ma nation, de faire mes démarches pour faire cesser toutes ces avanies de leur part. Lorsqu'on eut porté cette réponse au Capitaine Keppel, il répondit, "C'est fâcheux ; si ce rapport va en Angleterre, cet officier sera cassé." L'affaire en resta là, et le même soir le "*Childers*" appareilla.

Aussitôt après l'enlèvement des officiers, j'écrivis une protestation pour être présenté au résident du fort Anglais, Mr. Anson : le lendemain j'appris qu'il était absent ; je ne pus la lui faire parvenir qu'à son retour, six jours après ; mais Mr. Anson, après l'avoir lue, me la renvoya au moment où j'appareillai, sans donner aucune raison : mais la véritable était que cette affaire avait fait du bruit dans le pays ; chacun condamnait la conduite de l'officier Anglais ; et le résident, qui est un Mûlâtre du pays, crût ne pas devoir accepter cette protestation, pour n'être pas obligé de l'envoyer au Gouverneur du Cap Coast ; afin que cette affaire n'eut pas de suite, si je négligeais d'en faire mon rapport.

J'appareillai donc d'Akra le 5 Novembre, venant à Gorée, où nous arrivâmes le 6 Décembre. Je remis à M. le Commandant de la station un double du présent rapport, et je quittai Gorée le 12 au soir en destination pour Marseille. Nous passâmes le détroit de Gibraltar dans la nuit du 5 ou 6 Janvier, 1838, et sommes arrivés à Marseille le 21 du dit, avec environ 7000 kilogrammes ivoire, 9000 kilogrammes, cire, et autant de café, produit de la cargaison de sortie.

Le Capitaine Signé, A. FABRE.

Marseille, ce 25 Janvier, 1838.

Nous, Chef du Service de la Marine à Marseille, ayant voulu faire constater d'une manière authentique les faits contenus dans la rapport qui précède, avons fait appeler par divers noms ceux des officiers et des marins de la goëlette "*l'Africaine*," encore présents en ce Port, et leur en avons donné connaissance, en leur demandant s'ils sont vrais et présentés tels qu'ils se sont passés. Sur leur réponse

affirmative, et l'assurance que le rapport du Capitaine Fabre ne contient rien que de vrai, exact, nous avons requis au bas du présent la signature de ceux qui savent écrire, et nous avons signé nous-même.

(Signé)

LE LIEUT. GRASSET

MARTIN CUISINIER

MAINARD ALLARD

JACQUES, Chef du Service de la Marine.

Pour Copie conforme.

Le Conseiller d'Etat, Membre du Conseil d'Amirauté, Directeur des Ports

(Signé)

[Signature illisible.]

Translation.

Statement of the Captain of the Ship "l'Africaine," of 86 tons burthen. *Loaders Messrs. F. and L. Regis, brothers, and J. Dorely. Sailed from Marseilles, 19th March, 1837, for the West Coast of Africa, and returned to Marseilles 21st January, 1838.*

Marseilles, January 22, 1838.

THE schooner the "Africaine," having left Marseilles the 19th March last, arrived in the roads of Guilandor on the 7th of April following, landed her letters for the Colony, and left the same day for Goree, where she arrived the day after. After a stay of 4 or 5 days in this roadstead, and after having shipped certain articles of merchandise, she set sail for her destination, the Portuguese Colonies of central Guinea. She arrived at St. Paul de Loanda on the 24th of June, traded there, and going thence touched at the settlements of Novo Redondo and St. Philippe de Benguela: she had returned to St. Paul de Loanda early in September, on the 23rd of which month she sailed for St. Thomas, to finish the sale of her cargo. She arrived at St. Thomas October 1st, and sailed on the 16th for Akra (on the Gold Coast).

On the 23rd of that month, in the meridian of Whydha, she was met by the English brig of war "Columbine," Captain Anderson. The Captain of this vessel came himself on board the "Africaine," and only put the usual questions, of where are you bound? and where do you come from? without manifesting any desire to visit the vessel, and left her shortly afterwards, giving the exact longitude by the chronometer, that of the "Africaine" being wrong by 2 degrees, owing to the very rapid currents to the east at that time. The "Africaine" continued her course for Akra, where she anchored on the 29th October, 1831, at half past 5 in the evening.

In the roads there were also anchored the merchant ship "Robert Hevole" and the brig of war "Childers," Captain Keppel, both English. The "Africaine" anchored between the two, in the Dutch Road, the Dutch fort being N.N.E. At the moment when the "Africaine" passed alongside the "Childers," a boat, pulling 5 oars, and with a sixth person, in a plain blue jacket and a gold-laced cap, quitted the latter vessel, and made for the "Africaine." The breeze was light. This boat came up at the starboard at the moment when the "Africaine" let go her anchor on the larboard. The person above designated, whom I believed to be an Officer, although he had nothing to mark his being so, mounts on board, and having cast a scrutinizing glance over the deck, asked for the Captain. I presented myself. Question on his side, half French, half English, if I did not speak the last-mentioned language. I answered, no; and asked him, in my turn, if he spoke Portuguese. A negative of marked irony was his answer; and, in a minute or two, he addressed me in these words, "Where do you come from?"—"From St. Thomas." "Oh, oh! from St. Thomas," continued he, and he added some words which I could not understand; but going towards the main-hatch, he told me to have it opened, to search the interior of the vessel. To this order I answered, that I would open the hatch when he showed me the Warrant from the French Minister of Marine empowering him to visit French vessels. At this reply he got angry, and repeated his order imperatively. I made the same answer, and observed to him, that the Treaty between France and England, relative to the suppression of the Slave Trade, was very precise and very clear on that point. At this second refusal he collared me, telling me to go on board his vessel, and trying to drag me to the starboard, where his boat lay. I observed to him that my ship was not yet anchored; that as soon as she was so, and her sails furled, I would go if I must: in fact, during this time the second in command and the mate were putting out the chain, and the sailors were furling the sails. The Englishman, finding that he was not strong enough to drag me, called 2 boatmen to his assistance, and there I was hauled by these 2 sailors, and pushed by this individual. Messrs. Villeneuve and Grasset, Capitaine du long Cours and maître au petit Cabotage, the one second and the other Lieutenant on board, seeing this struggle, leave their work and come to my assistance, which the Officer seeing, leaves me and falls upon my 2 Officers with his fists. I represented to him that they were my Officers; that he ought not to allow himself to beat them; and that, moreover, he had no right to act with such violence on board a ship bearing a flag allied to his nation, at the same time shewing him our colours at the main-mast head. At these words the Officer looks at our flag; to goddam French colours; adds some words which I could not understand, and makes as if he spit on it, continuing to menace me, and to strike my Officers, who did their utmost to hold his arms, and the 2 boatmen who imitated their Officer. Nevertheless, being quite aware himself that he had no right to make me open the hatches, he asked me to see the ship's papers. To put an end to these troublesome proceedings, I caused to be brought on deck a tin-box, containing, together with the ship's papers, other documents relative to the cargo: I took out the muster-roll and presented it to him open. I closed the box to return it, on seeing which, he threw himself upon it, and, aided by his boatmen, snatched it from my hands, telling me that he wished to have all, and sent it to his boat. He afterwards made the rest of his boat's crew come on board, and ordered them to bring away my 2 Officers. This I opposed; when seeing that he had not sufficient force to effect this, he re-embarked with his boatmen, with many threats, and returned on board the "Childers."

Half an hour afterwards, the same boat, having the same crew, with 3 Marines, and the same Officer, with epaulettes and sword, came to my rescue. The boat came on the starboard mizen-chains. A soldier jumped on board, with his naked bayonet in his hand, and remained at the foot of the mizen-mast, to keep back, if need were, my sailors, who were all forward, or below, at their posts. The boat immediately was let adrift to the main-chains, and the Officer, the 2 other soldiers, and 3 boat-

men jumped on board the latter with boarding cutlasses, the former with bayonets in their hands; and, saying nothing to me, ran upon my 2 Officers, threatening them with their arms to make them get into the boat. To avoid any greater violence, I ordered my sailors not to make any show of resistance, and told my Officers to embark; I, at the same time, asked the English Officer if I also was to follow him: he answered that my turn would come to-morrow.

When in the boat, my 2 Officers had the impoliteness to seat themselves in the stern-sheets; they were soon turned out and sent forward, with blows; in fine, the boat went off and reached the "Childers." The guard was under arms, and reinforced by 10 sailors to receive 2 men. Arrived on deck, my 2 Officers fell again into the same breach of politeness; they came upon the quarter-deck, but the cuffs and above of the said Officer soon made them leave it. At last irons were brought, and they were chained by the feet, choice being given them of the fore-castle or the lower deck: they chose the latter.

The same evening the Officer of the Guard (for he was the only Officer on board), sent a skiff on shore, to give account to his Captain of the arrest of the 2 French Officers. The next day, at 7 a. m., the Lieutenant and the Purser came on board the "Childers." As soon as they arrived, the Lieutenant caused the 2 prisoners to be taken out of irons (they had been confined 13 hours without being offered a glass of water), made them come into the cabin, and interrogated them in the presence of the Officer. They related all that had passed on board the "*Africaine*." After their deposition, the Lieutenant addressed some words to the Officer, who only replied, not [some word illegible in the original.] Although it was in English, the prisoners comprehended that it was some abuse. After that the Lieutenant came on board my vessel to see me, but I had already gone on shore. Not finding me, he also came on shore, but to the English Fort, and not finding me there, I being at the Danish Fort, he returned to his ship, and brought the 2 Officers and the box of Papers back to the "*Africaine*."

The same day Captain Keppel, his Officers, and some merchants of Akra, were invited to dine at the Danish Fort. As they arrived, they begged the Governor, M. Macq, Captain in the Danish Navy, &c., to interfere amicably between them and me, that this affair might go no further, and above all things, that I should not report what had happened. Captain Keppel avowed that his Officer was much in the wrong, and that it would not have happened had he been on board. An arrangement was therefore proposed. But I answered that I could only consent to an arrangement with regard to the violence done to myself; that the consent of my officers was necessary with respect to those which they had suffered; but that, with the insult done to the French flag, and consequently, to the whole nation, I had no right to interfere; that that affair belonged to the Minister of Marine, to whom I should make my Report on arriving in France. That French vessels on the West Coast of Africa were too often molested by English cruisers; that I had been myself in a former voyage treated so unworthily, that I was obliged, for the honour of my nation, to take measures, to put an end to all these insults on their part. When this answer was taken to Captain Keppel, he replied, I am sorry for it, if this statement goes to England, this Officer will be broken. Here the affair rested, and the same evening the "Childers" set sail.

Immediately on the arrest of my Officers, I drew up a protest to be presented to the Resident at the English Fort, Mr. Anson. The next day I learnt that he was absent. I could not send it to him till his return, six days afterwards. But Mr. Anson, after having read it, sent it back to me at the moment when I was setting sail, without alleging any reason for so doing; but the truth was, that this affair had made some noise in the country: every one condemned the conduct of the English Officer; and the Resident, who is a Mulatto of the country, believed that he should not receive this protest, in order to avoid being obliged to send it to the Governor of Cape Coast, in order that, should I fail to make my report, the affair might go no further.

I sailed, then, from Akra, November 5, coming to Goree, where we arrived December 6. I sent to the Officer in command of the station, a Duplicate of this statement, and I left Goree on the 12th, in the evening, my destination being Marseilles. We passed the Straits of Gibraltar in the night of the 5th or 6th of January, 1838, and we arrived at Marseilles the 21st of that month, with about 7000 killogrammes of ivory, 5000 killogrammes of wax, and as much coffee, the produce of the outward cargo.

(Signed)

A. FABRE, Captain.

Marseilles, January 25, 1838.

We, Chief of the Marine Service at Marseilles, having wished to authenticate the facts contained in the foregoing statement, have caused to be summoned by their several names the Officers and Sailors of the schooner "*L'Africaine*," now present in this port, and have acquainted them therewith, asking them if the facts are true, and stated as they took place. On their answer in the affirmative, and their assurance that Captain Fabre's Report contains nothing but what is very exact; we have required those who can write to sign at the foot of this, which we have signed ourselves.

(Signatures as in the Original.)

No. 69.

Earl Granville to Viscount Palmerston.—(Received March 8.)

MY LORD,

Paris, 5th March, 1838.

I HAVE the honour to enclose to your Lordship the copy of a note which, in compliance with the instructions contained in your Lordship's dispatch, marked Slave Trade, of the 27th of February last, I have addressed to Count Molé.

I have, &c.

(Signed)

GRANVILLE.

The Right. Hon. Viscount Palmerston, G. C. B.

&c.

&c.

&c.

Enclosure in No. 69.

Earl Granville to His Excellency Count Molé.

MONSIEUR LE COMTE,

Paris, March 5, 1838.

WITH reference to the notes which I had the honour to address to your Excellency on the 7th of November, 1836, and the 2nd January, 1837, relating to a Treaty to be proposed to the Governments of Austria, Russia and Prussia, for the entire suppression of the Slave Trade, and of which Treaty, a Draft was submitted for the consideration and approval of the French Government, in the month of May 1836, I am again instructed to request the early attention of the French Government to this subject. Your Excellency informed me on the 15th January, 1837, in reply to the above-mentioned representations, that unforeseen circumstances alone had prevented your Excellency from taking the orders of the King of the French upon this matter; but at the same time, your Excellency assured me, that you would not fail very shortly to bring the subject under the consideration of His Majesty. More than a twelvemonth has now elapsed since I received this answer from your Excellency, and I am therefore directed again to express to your Excellency, the hope of Her Majesty's Government, that the Stipulations of the proposed Draft of Treaty may be found unobjectionable, and that the French Ambassador at London, may be authorised to propose the same, in conference conjointly with Her Majesty's Principal Secretary of State, to the Representatives of Austria, Russia and Prussia.

It is a question which Her Majesty's Government has much at heart, and which excites the deepest interest in England, and it will afford Her Majesty's Government, very great and sincere satisfaction to be able to bring it to a satisfactory termination, in conjunction with the Government of France.

I am, &c.

(Signed)

GRANVILLE.

His Excellency Count Molé,
&c. &c. &c.

No. 70.

Viscount Palmerston to Count Sebastiani.

SIR,

Foreign Office, March 9, 1838.

THE undersigned, &c. has the honour to state to his Excellency the Count Sebastiani, &c. that he has communicated to Her Majesty's Government the wish expressed by his Excellency in the name of his Court, that the British Ministers at Madrid, Lisbon, and Rio de Janeiro, may be instructed to urge the Governments to which they are respectively accredited, to accede to the Conventions which have been concluded between Great Britain and France for the suppression of the Slave Trade; and the undersigned is desirous on the part of Her Majesty's Government to submit a few observations to Count Sebastiani, for the consideration of the French Government, before instructions are given in accordance with the wish of his Excellency upon this matter.

The French Government is aware, that Great Britain has concluded with Spain, Portugal, and Brazil, separate Treaties for the suppression of the slave trade; and that there exists between those Treaties, and the Conventions concluded for the same purpose by Great Britain and France, one main and prominent distinction, inasmuch as the first-mentioned Treaties establish Courts of Mixed Commission, to try on the spot, ships captured under the provisions of such Treaties: while the last-mentioned Conventions provide, that ships, captured under their stipulations, shall be handed over for adjudication to the ordinary Tribunals of the countries whose flag they bear.

This last-mentioned arrangement is no doubt quite sufficient for the purposes of justice, with respect to vessels bearing the flag of England or of France; because in England and in France the ordinary Tribunals are pure and incorrupt, and offenders brought before those Tribunals are sure to receive the punishment due to their crime.

But in Spain, Portugal, and Brazil, it is to be feared that the case would not be the same; for in those countries the Tribunals are not yet exempt from the suspicion of being accessible to corrupt influence; and public opinion not having yet freed itself from the contamination of the slave trade, the mass of the community do not look upon that crime with the same abhorrence with which it is viewed in England and in France.

It is, therefore, to be apprehended that if Spain, Portugal, and Brazil were simply to accede to the Conventions between England and France, and if in pursuance of such accession French cruizers were to capture slave ships under the flag of those countries, and were to send such ships for adjudication before the ordinary Tribunals of Spain, Portugal, or Brazil, no condemnation would be pronounced upon such slave ships; and the offenders might by such proceedings, only obtain legal impunity for their offence.

The undersigned, therefore, has to request on the part of Her Majesty's Government, that Count Sebastiani would submit for the consideration of the Government of France, whether the attainment of the object, which France and Great Britain have equally at heart, might not be more certainly secured, if France were to make, at least for a given term of years, a separate stipulation with the three Powers in question, so that slave ships under the flag of either of them, when detained and captured by French cruisers, should be sent for adjudication, not to the ordinary Tribunals of those countries, but to the Mixed Commissioners, already constituted by the Treaties subsisting between those countries respectively and Great Britain.

Without such a stipulation, it is obvious that the action of the French cruisers on the coast of Africa would tend to cripple and impede, instead of reinforcing and assisting that of the cruisers of Her Majesty; for supposing, in such case, a British and French cruiser to come up with a Spanish, Portuguese, or Brazilian slave trader, the British cruiser would, upon capturing such slave trader, send her to the Mixed Commissioners at Sierra Leone, where she would be certain of being condemned and dealt with according to the Treaty between Great Britain and the country whose flag she was sailing under; while the French cruiser would on the other hand, by detaining such slave trader, perhaps rescue her from condemnation, by sending her to the jurisdiction of the ordinary Tribunals, in a country, where there is a general conspiracy of all the subordinate authorities of the Government to protect persons and property engaged in the slave trade.

The undersigned, &c.

(Signed)

PALMERSTON.

To His Excellency Count Sebastiani,
&c. &c. &c.

No. 71.

Viscount Palmerston to Count Sebastiani.

Foreign Office, March 22, 1838.

THE undersigned, &c., has the honour to acknowledge the receipt of the note which was addressed to him on the 5th instant, by His Excellency Count Sebastiani, &c., on the subject of the alleged misconduct of an Officer of Her Majesty's brig, "Childers," towards the Captain and Officers of the French merchant vessel "*L'Africaine*."

The undersigned has the honour to inform His Excellency, that these papers have been communicated to the Lords Commissioners of the Admiralty; who have been desired to institute an enquiry into the circumstances of the case, the result of which the undersigned will lose no time in communicating to His Excellency.

I am, &c.

(Signed)

PALMERSTON.

To His Excellency Count Sebastiani.
&c. &c. &c.

TWO SICILIES.

No. 72.

The Honourable William Temple to Viscount Palmerston.—(Received March 13.)

MY LORD,

Naples, February 15, 1838.

It is with great satisfaction that I have at length the honour of transmitting to your Lordship the Treaty of Accession of His Majesty the King of the Two Sicilies, to the Conventions between Great Britain and France, for the suppression of the Slave Trade, which was signed on the 14th instant in Triplicate by Prince Cassaro, Mons. de Pallency, and myself.

I have, &c.

(Signed)

W. TEMPLE.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 73.

Viscount Palmerston to The Honourable William Temple.

SIR,

Foreign Office, April 2, 1838.

I HAVE received your Despatch Slave Trade of the 15th of February last, transmitting the Treaty which you had concluded between Her Majesty and His Sicilian Majesty, for the suppression of the Slave Trade.

Her Majesty's Government highly approve the zeal and the judgment, which you have shewn throughout the protracted negotiation of this Treaty.

Her Majesty has commanded, that Ratifications of the Treaty shall be prepared, and they will be transmitted to you at an early period, to exchange against the Ratifications of the Treaty by His Sicilian Majesty.

I have, &c.

(Signed)

PALMERSTON.

The Right Hon. William Temple,

&c.

&c.

&c.

No. 74.

Viscount Palmerston to The Honourable William Temple.

SIR,

Foreign Office, April 3, 1838.

I TRANSMIT to you the Queen's Ratification under the Great Seal, of the Convention signed by you, in conjunction with the Plenipotentiaries of France and of the Two Sicilies, on the 14th of February last, and containing the Accession of His Sicilian Majesty to two Conventions between Great Britain and France, which have for their object the more effectual suppression of the Slave Trade; and I am to desire that you will exchange Her Majesty's Ratification against a similar instrument on the part of the King of the Two Sicilies.

I also inclose a certificate to be signed by you and the Prince de Cassaro, upon the exchange of the Ratifications. You will return it to me at the same time, that you forward the Sicilian Ratification.

I am, &c.

(Signed)

PALMERSTON.

The Right Hon. William Temple.

&c.

&c.

&c.

TUSCANY.

No. 75.

R. Abercrombie, Esq. to Viscount Palmerston.—(Received Jan. 18, 1838.)

MY LORD, Florence, 24th Nov., 1837.

I HAVE the honour to transmit to your Lordship herewith the original of a Convention, which I have this day signed in conjunction with the Plenipotentiaries of France and Tuscany, by which His Imperial and Royal Highness the Grand Duke of Tuscany accedes to the Two Conventions signed at Paris between Great Britain and France, on the 30th November 1831, and 22d March 1833, for the more effectual suppression of the Slave Trade.

This Convention has been executed in Triplicate, and the originals having been properly collated, the one with the others, were this day signed according to the order of alternation; which privilege, both the French Minister, and myself, have conceded to the Plenipotentiary of the Grand Duke of Tuscany, in compliance with the instructions we have respectively received.

I am, &c.

(Signed) R. ABERCROMBIE.

The Right Hon. Viscount Palmerston, G.C.B.

&c. &c. &c.

No. 76.

Viscount Palmerston to Mr. Abercrombie.

SIR,

Foreign Office, February 3, 1838.

I TRANSMIT to you Her Majesty's Ratification under the Great Seal, of the Convention concluded by you, in conjunction with the Plenipotentiaries of France and Tuscany, on the 24th of November last, and containing the Accession of the Grand Duke of Tuscany to Two Conventions between Great Britain and France, which have for their object the suppression of the Slave Trade; and I have to desire that you will exchange Her Majesty's Ratifications against a similar Instrument on the part of His Imperial Highness the Grand Duke of Tuscany.

I also inclose a certificate to be signed by you and the Count Fossombroni, upon the exchange of the Ratifications. You will forward this certificate to me by post immediately, upon the exchange taking place; and the Tuscan Ratification you will keep in your possession, until a safe opportunity shall occur for transmitting it to England.

I am, &c.

(Signed) PALMERSTON.

Ralph Abercrombie, Esq.

&c. &c.

No. 77.

Mr. Abercrombie to Viscount Palmerston.—(Received March 2.)

MY LORD,

Florence, 17th February, 1838.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, marked "Slave Trade," of the 3rd February, 1838, transmitting to me Her Majesty's Ratification, under the Grand Seal, of the Convention which I had the honour to sign in Her Majesty's name, with the Plenipotentiary of the Grand Duke of Tuscany, and in conjunction with the French Plenipotentiary, for the accession of His Imperial and Royal Highness to the Slave Trade Conventions, concluded between England and France, and signed at Paris the 30th November, 1831, and March the 22nd, 1833.

CLASS B.—FURTHER SERIES.

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I shall lose no time in informing His Excellency, Count Fossombroni, that I have received Her Majesty's Ratification, and that I am prepared to proceed with the exchange of it against a similar instrument on the part of His Imperial and Royal Highness the Grand Duke of Tuscany.

I have, &c.

(Signed)

R. ABERCROMBIE.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 78.

Mr. Abercrombie to Viscount Palmerston.—(Received March 2.)

MY LORD,

Florence, 20th February, 1838.

WITH reference to my "Slave Trade" Despatch of the 17th instant, I have to acquaint your Lordship, that I have informed His Excellency, Count Fossombroni, of the arrival of Her Majesty's Ratification of the Convention signed with the Grand Duke of Tuscany, for the accession of His Imperial and Royal Highness to the two Conventions, between Great Britain and France, for the more effectual suppression of the Slave Trade, and that I was prepared to exchange it against a similar document, properly ratified by His Imperial and Royal Highness.

His Excellency Count Fossombroni replied, that the Tuscan Ratification would be immediately forwarded to Pisa, to the Grand Duke, for signature.

Monsieur Belloeq has been written to from Paris, and told that he may expect to receive the Ratification of His Majesty the King of the French, by the French steam-boat of the 23rd instant.

I expect, therefore, to be able to complete the exchange of the Ratifications within a very few days; and as I have this morning received a communication from Her Majesty's Minister at Naples, that the Messenger Littlewood would set out on his journey from that capital to London on the 17th instant, I shall take upon myself to detain him here, until I have it in my power to despatch him with the Ratifications of His Imperial and Royal Highness the Grand Duke of Tuscany.

I am, &c.

(Signed)

R. ABERCROMBIE.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 79.

Mr. Abercrombie to Viscount Palmerston.—(Received March 13.)

MY LORD,

Florence, 2nd March, 1838.

I HAVE the honour to inform your Lordship, that His Excellency Count Fossombroni, Monsieur le Chevalier Belloeq, and myself, having this morning assembled together at the Foreign Office, we proceeded to exchange the several Ratifications signed by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the French, on the one part, and by His Imperial and Royal Highness the Grand Duke of Tuscany on the other part, of the Convention, signed at Florence on the 24th November, 1837, by which His Imperial and Royal Highness the Grand Duke of Tuscany accedes to two Conventions between the Courts of Great Britain and France, concluded at Paris on the 30th of November, 1831, and on the 22nd March, 1833, for the more effectual suppression of the traffic in slaves.

I have, therefore, the honour to transmit herewith to your Lordship, the Ratifications of His Imperial and Royal Highness the Grand Duke of Tuscany of the above-mentioned Convention; as well as the certificate of the said exchange having taken place this day, in the usual form.

I have, &c.

(Signed)

R. ABERCROMBIE.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

HANSE TOWNS.

No. 80.

Mr. Canning to Viscount Palmerston.—(Received February 12.)

MY LORD,

Hamburgh, 6th February, 1838.

It appears that the Merchants and Ship-Owners of the Hanse Towns, but particularly those of Bremen, have shown some anxiety, lest the conditions of the 6th Article of the Slave Trade Accession Treaty should expose their vessels fitted up for carrying free emigrants, to capture or detention, on their return voyages, under a suspicion of being intended to carry slaves; and the Senates, desirous of being able to quiet this anxiety, by being permitted to make public the explanation on the point, which took place between the Plenipotentiaries previous to signing the Treaty, have proposed that a Declaratory Protocol, in the form of the enclosed Draft, shall be signed by the Plenipotentiaries who signed the Treaty, and be made public. And the Senates propose, also, that they may be at liberty to give to the Masters of the Hanseatic vessels, carrying out Passengers, a Certificate in the form, and to the effect, of the Draft enclosed.

I beg leave to submit to your Lordship's consideration these proposed documents, and I request that you will be pleased to honour me with your instructions, whether I am to accede or object to them.

I have, &c.

(Signed)

HENRY CANNING.

The Right Hon. Viscount Palmerston, G.C.B.,

&c.

&c.

&c.

Enclosure in No. 80.

Protocole de Négociations servant à interpréter l'Article 6 de la Convention Supplémentaire du 22 Mars, 1833, sur la traite à signer par les Plénipotentiaires de LL. Majestés le Roi de Grande Bretagne et d'Irlande, le Roi des Français et le Plénipotentiaire des Villes Anseatiques, signataires du traité d'accession de ces dernières.

Le commerce des Villes Anseatiques ayant exprimé la crainte que l'Article 6 de la Convention Supplémentaire du 22 Mars, 1833, en énumérant les objets qui établissent une présomption légale du délit de la traite, pourrait compromettre des bâtimens employés au transport de colons libres, et le Plénipotentiaire des Villes Anseatiques, à l'effet de détruire cette crainte, ayant dans le courant de la négociation proposé d'insérer au traité d'accession l'article suivant:—

“ Les objets spécifiés à l'Article 6 de la Convention Supplémentaire du 22 Mars, 1833, comme justifiant la présomption de plein droit, à moins de preuve contraire, d'un délit contre l'abolition de la traite, pouvant se trouver à bord de navires nolisés pour le transport d'émigrés libres, il est expressement stipulé que la certitude d'un pareil emploi, constatée par les papiers d'un bâtiment de commerce sous pavillon de Lubeck, de Brême, et de Hambourg, visés par les Consuls ou Agens Consulaires des Parties Contractantes résidant au port de destination, s'il y en a, de l'un d'eux, ou l'autorité locale, à moins d'indices moins équivoques, sera censée détruire la dite présomption.”

Les Plénipotentiaires de LL. Majestés le Roi de Grande Bretagne et d'Irlande et le Roi des Français ont motivé le refus d'insérer cet article, par le prétexte qu'il suggérerait, tant aux personnes faisant la traite qu'aux autorités locales des pays où elle se faite, et par la conviction de leurs Gouvernemens que des bâtimens destinés à transporter des émigrés libres d'un port des Villes Anseatiques ne courraient jamais le moindre risque de voir leur voyage interrompu par quelque croiseur employé à la suppression de la traite.

Le Plénipotentiaire des Villes Anseatiques, sur la foi de cette conviction, que des bâtimens Anseatiques, transportant de colons libres ne se trouveraient exposés aux molestations de croiseurs employés à la suppression de la traite, ni avant ni après avoir atteint le port de leur destination, a consenti à ce que l'article proposé ne fut pas inséré au traité d'accession. Il a toutefois communiqué aux Plénipotentiaires de LL. Majestés le Roi de Grande Bretagne et d'Irlande et le Roi des Français le modèle d'un Certificat annexé à ce Protocole, par lequel les Sénats, sur la demande des armateurs qui offriront de garanties suffisantes, adresseront aux commandans des navires croisant pour supprimer la traite des noirs la réquisition de laisser librement passer les navires destinés à transporter des passagers libres.

Les Plénipotentiaires signataires du traité d'accession des Villes Anseatiques, afin d'assurer à l'Article 6 l'interprétation conforme au désirs, aux intentions, et aux convictions de leurs Gouvernemens, ont apposé au présent Protocole leur signature et le cachet de leurs armes.

Fait à Hambourg, ce

K 2

Article Supplémentaire.

Le Sénat de la Ville Libre et Anseatique de fait savoir par ces présentes que, devant les Sénateurs et Gardes de Sceaux, Monsieur N. N. et Monsieur N. N., a comparu en personne N. N., armateur du navire , nommé N. N., lequel, après avoir prêté serment, a déclaré—

I. Que le dit navire commandé par N. N., ayant à bord environ passagers, va partir à la destination de , et qu'il a été pourvu à cet effet:—

1. D'écouilles en treillis.
2. De compartemens et de cabanes pour le transport des dits passagers dans l'entrepont ou sur le tillac.
3. Des planches en réserve requises à cet effet, et,
4. Des provisions d'eau, de barriques à eau, de garnelles, bidons, chaudières en cuivre ou en fer, et d'autres utensils de cuisine; ainsi que de riz et autres provisions de bouche nécessaires à la nourriture des dits passagers.

II. Qu'il est possible que le susdit navire, après son arrivée à , port de sa destination, fasse voile pour gardant à bord une partie des dits objets, qui auront servi au transport des dits passagers, savoir: Et le susdit armateur ayant donné des garanties suffisantes, que les objets ci-dessus mentionnés ne seront employés ni à d'autres usages ni à la traite des noirs en particulier, le Sénat requiert tous les commandans des navires croisant pour supprimer la traite des noirs de laisser librement passer le susdit navire comme nullement suspect.

En foi de quoi le présent certificat a été muni du grand sceau d'état et de la signature de Monsieur le Président du Sénat , le .

EGYPT.

No. 81.

Lieutenant-Colonel Campbell to Viscount Palmerston.—(Rec. Jan. 7, 1838.)
(Extract.)

Cairo, 1st December, 1837.

I HAVE the honour to state to your Lordship, that having learned that the Pacha's troops in the interior of Africa, Nubia, Dongola, &c., had been employed in collecting slaves, and that they had even received their pay from the proceeds of the sale of those slaves, I deemed it my imperative duty to lose no time in bringing the subject under the serious notice of His Highness the Viceroy.

Dr. Bowring had in the meantime seen Dr. Holroyd, who had lately come from the above countries, and who had communicated the above facts to him; and not a doubt therefore existed of the authenticity of these facts.

Dr. Bowring, who had been extremely active in collecting details on the subject, and which he had communicated to me, agreed to accompany me to the Pacha, in order to support my arguments and wishes on this occasion.

On the evening of yesterday, Dr. Bowring and myself waited on the Pacha; and, after some general conversation, I proceeded to state, that I had to make a communication to His Highness, but not in my official capacity, and to which I begged to call his very serious attention, as involving a subject on which the people of England were peculiarly susceptible; that I had long heard rumours on the subject, but had not been willing to mention it, until I had obtained such evidence and details as convinced me; that, unless I took the occasion in this friendly and unofficial way to introduce the topic, I would ere long be compelled to do it officially, and which I earnestly desired to avoid.

That statements had gone home to the Government and the people of England, from eye-witnesses, that slave-hunts (*gazoua*) had been carried on by the officers and the troops of the Pacha; that large numbers of negroes had been taken, and had been distributed among the soldiers, in liquidation of the arrears of their pay; that on one occasion the *gazoua* had collected 2,700 slaves, of whom 250 had been forced among the ranks of his army, and the remainder had been divided among the officers and soldiery at fixed prices, according to the state of their arrears.

His Highness listened with great attention to the statement. He said that he was aware, that his officers had carried on the Slave-Trade for their own account, a conduct of which he by no means approved, but he had not heard, and could not believe, that his army had been employed in slave-hunts for the purpose of discharging the arrears of pay; and, inasmuch as to no one soldier was the value of a slave due in arrears, he did not see how the division could take place among the soldiers. He was very willing to have the whole matter investigated; and, if I liked to nominate any individual, even the individual who had given the information, His Highness would nominate another, would pay all the expenses of the journey; and, if matters were found as stated, the grievance should be remedied.

Dr. Bowring and I answered, that, as to the existence of the grievance, there could be no doubt whatever, as we had obtained the most detailed statements; that it was true the value of a slave was more than was due to any one soldier, but that certain numbers of slaves were given to a certain body of soldiers, who made the distribution among themselves of the proceeds of the sales.

That, as the statement of these facts had already gone to England, it was of the highest importance, that some document should be immediately issued by His Highness, ordering peremptorily that these proceedings should be discontinued; and I expressed my hope, that I should be enabled to send such a document to Lord Palmerston by the present packet, in order to enable his Lordship, should the question be brought before Parliament, to state the kind and benevolent view which His Highness had taken of the question.

The Viceroy said that the order should be prepared that very evening, and the translation sent to me the next day.

In the course of the conversation His Highness said, that he was unfavourable to slavery itself, and desired its abolition, little by little, but that the usages and prejudices of the people were great obstacles in his way.

Dr. Bowring assured him, that nothing would be more likely to interest the Government and the people of England than any steps he might take towards advancing this great end. That his neighbour, the Imaum of Muscat, a Mussulman prince, had, at a large annual sacrifice, put an end to the Slave-Trade in his dominions.

His Highness said he had a great regard for the Imaun of Muscat; he was an excellent and a clever man, and he more than once repeated the high estimation in which he held him.

I then mentioned that I had ascertained that several Frenchmen, among whom were Messrs. Visière and Thibaud, had been carrying on the Slave-Trade for their own account, and that I should think it my duty to report them to their own Consul-General.

His Highness stated that he had never sanctioned, nor allowed foreigners to be concerned in the Slave-Trade.

His Highness said, that he was obliged to us for having brought the subject before him, and was glad on this, as on every occasion, to do anything that would be satisfactory to the British Government, whose good opinion he valued.

I shall bring the case of Monsieur Visière and Monsieur Thibaud without loss of time before Monsieur Cochelet, the Consul-General of France, who is now on his way from Alexandria to this place.

I have also heard that some foreigners of other nations are engaged in the same traffic; and, as soon as I can ascertain their names and more conclusive facts, I shall submit them to their respective Consuls-General in Egypt. I am, however, happy to say, that not one British subject is known to be engaged in this nefarious commerce.

Artin Bey, the interpreter of the Pacha, has just sent to me a letter, a copy of which I have the honour to forward to your Lordship, wherein he transmits to me the order of the Viceroy to Kourchid Pacha, the Governor of Sennaar, and to the last paragraph of which I request to call your Lordship's attention, as the Pacha there says, that, even if the abolition of the Slave-Trade should require sacrifices on his part, he will be ready to make them.

I shall not fail to avail myself of this Declaration of His Highness, when a future occasion shall require it.

Enclosure in No. 81.

Artin Bey to Colonel Campbell.

MONSIEUR LE COLONEL,

Caire, le 1er Decembre, 1837.

J'AI l'honneur de vous adresser ci-inclus la traduction de lettre de son Altesse mon maître adressée au Gouverneur de Sennaar, pour mettre fin au système du payement de ses troupes avec des esclaves.

Son Altesse me charge, en vous transmittant la traduction de sa lettre, de vous témoigner toute sa satisfaction, ainsi qu'à M. le Docteur Bowring, pour la bonté que vous avez eue de contribuer à un fait qui montre votre amitié pour elle.

Je saisis cette circonstance, &c.

(Signé)

ARTIN BEY,

Secrétaire Interprète de S. A.

Translation.

MONSIEUR LE COLONEL,

Cairo, 1st December, 1837.

I HAVE the honour to enclose to you herewith the translation of a letter which His Highness, my master, has addressed to the Governor of Sennaar, in order to put an end to the system of paying his troops with slaves.

His Highness charges me, in transmitting the translation of his letter, to testify to you and to Dr. Bowring his satisfaction at the goodness with which you have contributed to an act which shows your friendship towards His Highness.

I seize the occasion, &c.

(Signed)

ARTIN BEY,

Interpreter to H. H.

Sub-Enclosure in No. 81.

Traduction de la Lettre de S. A. R. le Viceroy d'Egypte et Dépendances, adressée au Gouverneur de Sennaar, Kourchid Pacha, en date du 1er December, 1837.

Le Consul-Général et Agent de Sa Majesté Britannique, le Colonel Campbell, et l'honorable Monsieur le Docteur Bowring, m'ont entretenu d'un récit qu'un voyageur leur a fait, que les troupes sous votre commandement reçoivent pour leur solde des esclaves.

Je savais que des esclaves n'auraient pas dû être distribués aux soldats, cependant que les officiers pourraient les acheter et les envoyer au Caire pour leur profit ; et c'est cela que j'aurais cru naturellement le sujet de leur conversation, s'ils ne m'eurent pas assuré d'une manière positive, que non seulement les officiers achetaient des esclaves à leur compte, mais que leurs appointemens, ainsi que la solde des soldats se donnaient en esclaves.

Si c'est ainsi, il faut savoir qu'il est contraire à mes vœux, et qu'il m'est très déshonorant près toutes les personnes civilisées, et surtout près le Gouvernement Anglais, entre lequel et le mien il existe une relation amicale. Par conséquent je vous ordonne, que vous absteniez dorénavant de solder avec des esclaves mes officiers, soldats, et autres employés. Sachez, que je ne veux pas tirer profit d'un commerce qui ne me fait point d'honneur ; et quand même son abolition exigerait de ma part quelques sacrifices, je serai prêt à les essayer. Et faites-moi connaître les circonstances détaillées de motifs qui ont donné lieu au récit du dit voyageur Anglais.

Translation.

Translation of the Letter of His Highness the Viceroy of Egypt and its Dependencies, addressed to the Governor of Sennaar, Kourchid Pacha, under date of the 1st of December, 1837.

COLONEL Campbell, Agent and Consul-General of Her Britannic Majesty, and the honourable gentleman Dr. Bowring, have spoken to me of a report made to them by an English traveller, to the effect that the troops under your command receive slaves for their pay.

I knew that slaves should not have been distributed to the soldiers, but that the officers could buy them, and send them to Cairo for their own profit ; and it was of this latter fact that I should naturally have believed that these gentlemen spoke, had they not assured me positively, that not only did the officers buy slaves for their own profit, but that their appointments and the wages of the soldiers were paid in slaves.

If this be so, be it known that it is contrary to my wishes, and that it tends to dishonour me in the sight of all civilized people, and above all with the English Government, between which and my own friendly relations exist.

I accordingly command you to abstain for the future from paying my officers, soldiers, and other employés with slaves. Know, that I do not wish to derive profit from a traffic which does me no honour ; and that even if its abolition shall require some sacrifices on my part, I am ready to make them. Let me also be informed in detail of the motives which have given occasion for the report of the above-mentioned English traveller.

No. 82.

Viscount Palmerston to Colonel Campbell.

SIR,

Foreign Office, 17th January, 1838.

I HAVE received and laid before the Queen your Despatch of the 1st ultimo, upon the subject of a traffic in slaves, carried on by the Pacha's troops in the interior of Africa ; and I have to acquaint you that I fully approve of your having brought this question before the Pacha.

With respect to the Directions which, in consequence of your representations, were issued to the Governor of Sennaar, to abstain in future from paying the officers, soldiers, and others with slaves, I have to instruct you to assure the Pacha, that Her Majesty's Government fully appreciates the humane and generous feeling, which have prompted, on his part, an order which does him so much honour.

I however observe, that this order, apparently, still permits the officers of the Pacha's army to levy or seize slaves, and to send them to Cairo for sale.

You will, therefore, take the same occasion to submit to his Highness that it would tend to raise the character of his army in the estimation of other countries, and to render the presence of his troops less oppressive and irksome to the population of the districts in which they may happen to be stationed, if he was absolutely to forbid any officer in his service from dealing in any way whatever in the trade in slaves.

I have communicated to the French Ambassador the statements contained in your Despatch, as to the traffic in slaves, which is alleged to be carried on in Eastern Africa, by subjects of France, resident at Cairo.

I am, &c.

Lieut. Colonel Campbell,
 &c. &c. &c.

(Signed) PALMERSTON.

UNITED STATES.

No. 83.

Viscount Palmerston to Mr. Fox.

SIR,

Foreign Office, February 13th, 1838.

I HEREWITH transmit to you, for communication to the Government of the United States, the Copy of a Despatch from Her Majesty's Commissioners at the Havana, in which it is stated, that in the month of November last an American schooner sailed from the Havana for the Cape de Verd, being entered outwards in the names of the great slave dealers, Pedro Martinez and Company.

*H. S. Fox., Esq.
&c. &c.*

(Signed)

I have, &c.

PALMERSTON. -

Enclosure in No. 83.

Havana Commissioners, November 30, 1837.

(See Class A. of this Series, No. 30.)

MEXICO.

No. 84.

Viscount Palmerston to Mr. Ashburnham.

SIR,

Foreign Office, February 15th, 1838.

I HAVE received your Despatches marked "Slave Trade," to that of the 7th of November last.

Her Majesty's Government have learnt with much regret, that the Committee of the Chamber of Deputies, appointed to examine the Treaty for the Abolition of the Slave Trade, signed by Mr. Pakenham on the 16th of April, 1837, has recommended the Chamber to refuse to ratify this Treaty, and to propose that the Government should enter into fresh negotiations, and should conclude another Treaty for the object above mentioned.

Should the Chamber act upon the recommendation of the Committee, and refuse to ratify the Treaty upon the grounds given in the Report which you inclose in your Despatch, you will state, that Her Majesty's Government are ready to meet the wishes of the Mexican Republic upon some points, and to exempt from the exercise of the right of search, the Mediterranean and other Seas excepted in the Spanish Treaty; and are willing, besides, not to require the Mexicans to employ any cruizers for the next 8 years, if it would be inconvenient for them to do so before that time: and if the Mexican Government think that these modifications of the 4th Article would ensure the acceptance of the Treaty by the Legislature, you are hereby empowered to conclude two additional Articles to the Treaty, containing stipulations accordingly.

With regard, however, to any proposal which the Mexican Government may make for adopting the Provisions of the French Treaty, and for giving up slave-ships and their cargoes to be tried by Mexican Tribunals, you will observe that such a measure would be highly inexpedient; because, if a slaver under Mexican colours were taken off the Coast of Africa, to send the ship and slaves all the way to Mexico, would be to doom many of the negroes to certain death, and all of them to the most severe sufferings during so long a voyage.

With regard to the inutility of Certificates of emancipation, if that point is pressed by the Mexican Minister, you may observe that slavery is as much abolished in the British as in the Mexican Dominions, and, that as the British Government have, nevertheless, no objection to give such Certificates, there seems to be no reason why the Mexican Government should object to such a stipulation, in regard to negroes set free in the Mexican Territory under the provisions of this Treaty.

Charles Ashburnham, Esq.
 &c. &c. &c.

I am, &c.
 (Signed) PALMERSTON.

CHILI.

No. 85.

Hon. John Walpole to Viscount Palmerston.—(Received January 26, 1838.)

MY LORD,

Santiago, 2nd September, 1837.

I HAVE now the honour to acquaint your Lordship with the progress of the negociation which I have been authorized by your Lordship to undertake, for the conclusion of a Treaty between Great Britain and this State for the Abolition of the Slave Trade.

The alterations in the Preamble and in the 1st Article have been made merely with a view to adopt them to the actual situation of this State, in regard to Slavery and to the Slave Trade; every vestige of that commerce having been extirpated throughout the territories of this Republic at the period of its first declaration of Independence of the Mother Country, and its total abolition recognised and confirmed by every successive Constitution.

That in the 2nd Article has been adopted for the purpose of affording time for the acquisition, previous to carrying into practice the stipulations of the Treaty, of the consent of the Legislative Body, without whose approbation any Treaty, even ratified by the Executive Power, is considered as null, and of no effect.

To these alterations I can anticipate no objection on the part of his Majesty's Government.

Nor do I apprehend any serious obstacle to the acceptance of the 2 additional Articles. They were suggested by this Consulate-General as a more convenient mode of expressing the intentions of this Government, and preferable to an alteration of the Articles of the Draft to which they have reference.

It will be seen in the Enclosure, No. 2, to which I beg to refer your Lordship, that these additional Articles comprise alone a declaration of the wishes of this Government (desirous to assist to its utmost in the attainment of the benevolent objects of the Treaty) not to expose itself to the inconvenience of immediate nomination of Members to the Mixed Courts, or of increasing the expense incidental to such appointments, and which, for the reasons stated in that Enclosure, it considers unrequisite to establish the efficiency of these Courts.

During an audience which I had with the Minister for Foreign Affairs, I referred his Excellency to the Art. 9 of Annex B., which provides for the temporary absence of any Member of the Mixed Courts appointed by either of the contracting parties. In this he acquiesced; but at the same time he added his opinion, that all difficulties would be more effectually removed by this explicit declaration of the intentions of the Chilian Government to abstain for the present from any active participation.

In the Instructions which I received for the conduct of this negociation, there appears to be confided to me a certain discretionary power, to admit of alterations for the future consideration and approval of his Majesty's Government. It is in the exercise of that discretion that I have now acted; and satisfied as I am that the absence of a Chilian Judge or Arbitrator, on the terms specified in the first additional Article, is calculated to add to the efficiency of the Treaty, and to facilitate its practical operation, rather than to diminish the one or impede the other, —convinced, as I also feel, that any stipulation which may create a demand on the finances of this country, however certain and limited in its amount,—will tend materially to defeat the object to be attained, and to postpone for a lengthened period the satisfactory termination of this desirable work, I have not hesitated to accept the proposition of the Minister, subject always for the approbation of his Majesty's Government.

I have, &c.

(Signed)

J. WALPOLE.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 86.

Viscount Palmerston to the Hon. J. Walpole.

SIR,

Foreign Office, 23rd April, 1838.

I HAVE received your Despatch, Slave Trade, of the 2nd of September, 1837, containing an account of your negotiations with the Government of Chile, for a Treaty for the Suppression of Slave Trade.

Her Majesty's Government agree to the alterations proposed by the Chilian Government in the Preamble, and in Articles 1 and 2 of the Treaty.

Her Majesty's Government adopt the principles contained in the additional Articles, Nos. 1 and 2, proposed by the Chilian Government; but suggest an alteration in the latter part of Article 1, in order to establish clearly, that the sentences pronounced by British Judges and Arbitrators, in the absence of Chilian Judges and Arbitrators, shall have the same validity, as if Chilian Commissioners had been appointed, and had been present at the adjudication of the cases.

The last paragraph, in additional Article 2, should be omitted, because it is ambiguous; and that Article ought to remain, as originally proposed by the Chilian Government, without the last paragraph.

A few words should be added at the end of Article 10 of the Treaty, to render the sense and intention more clear.

Annex C., as it stands in the Treaty between Great Britain and Spain, should be substituted for Annex C., as originally proposed to the Chilian Government, because, by the Spanish Annex, the negroes emancipated will be left to the care of the British Government.

I send you a Copy of the Treaty altered accordingly, and I also send you a full power to enable you to conclude and sign.

Her Majesty's Government approve of your zeal and conduct in the negociation of this Treaty.

I am, &c.
(Signed) PALMERSTON.

The Hon. J. Walpole,
&c. &c. &c.

MONTE VIDEO.

No. 87.

Mr. Hood to Viscount Palmerston.—(Received Jan. 31, 1838.)

MY LORD,

Monte Video, 29th September, 1837.

I HAD the honour to receive your Lordship's circular Despatch of the 27th of January, enclosing a Decree which had been issued by Her Majesty the Queen of Portugal, on the 10th of December last, abolishing the Slave Trade throughout the Portuguese dominions.

I cannot but regret, that it should be my duty to bring to your Lordship's notice so speedily after the promulgation of that benevolent and magnanimous act, how little either the letter or spirit of that Decree appear to be observed by the Authorities of Her Majesty in her possessions on the Coast of Africa.

The vessel "*Brilhante*," M. M. de Santa Barbara master; the *Dom Manoel de Portugal*, — Negrao master; *Asseiceira*, Joaquin Pedro Ferrara, master; and the *Florinda de Africa*, Ernesto J. de Mello, master; all under the Portuguese flag, arrived in this between the 17th and 20th instant, after landing their slaves on the coast of Brazil, but purporting to be in ballast from the coast of Africa. None of these vessels have Portuguese Registers, nor are they of Portuguese origin; they are, I believe, all Brazilian vessels which have been put under the Portuguese flag at places out of Portugal: the "*Brilhante*" being nationalized by the Mission at Rio de Janeiro in 1835, and the others subsequently by the Portuguese Authorities on the Coast of Africa.

The declared destination of those vessels, when they departed from Africa, were as follows:—The "*Brilhante*" took her clearance from Mosambique in June last having on board 40 very large casks, filled with water for ballast; bound, as is stated by a passport granted on the 10th of June by Don Antonio José de Millo, the Governor of that colony, for Angola, to touch at Buenos Ayres. The "*Dom Manoel de Portugal*" cleared from Loanda about the 5th of August, with 31 very large casks of water, as ballast, bound, as is alleged, by a passport granted on the 21st of July by the Provisional Governors Villela, Continho, and Lolla, for Mosambique, to touch at Buenos Ayres. The "*Florinda de Africa*" cleared from Loanda, about the end of June, with a passport, signed by Villela, Continho, and Lolla, bound for Mosambique, to touch at Monte Video; and the "*Asseiceira*" sailed from Rio de Janeiro with a passport of the Portuguese Legation, dated the 16th of July, with a small cargo of things suited for the coast, and 50 large water casks empty, bound for the Cape de Verds and the coast of Africa.

I have thought it right to particularize the dates of these vessels' despatch, and the Authorities who had granted passports to them, because in every one of these cases, both as respects the destination and the number and size of the water casks on board, pretended to be for ballast, there is evinced in my belief, a systematic and scandalous violation of Her Most Faithful Majesty's humane intention, declared in the said Decree.

Your Lordship's attention will, no doubt be attracted to the very extraordinary circumstance, that those vessels sailing, as they pretend, from one colony in Africa to another in ballast, should find it their interest, not one, but all, to cross the South Atlantic Ocean,—a distance of 5000 miles,—to touch at ports in the River Plate; and that all of them should sail again from hence, also, in ballast, not in the completion of their declared voyage, but for Rio de Janeiro, the port from whence they had all departed some months ago.

Upon the arrival of these vessels, I waited upon Don Leonardo J. Leitte Acevedo, the Portuguese Consul, who, I have great pleasure to inform your Lordship, not only afforded me every information in his power, but exhibited the most laudable and praiseworthy desire of rendering effective the true spirit of Her Majesty's Decree, by forwarding to his Government, with a detailed account, all the original Documents establishing this criminal proceeding.

I have, &c.

(Signed)

THOMAS SAMUEL HOOD.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 88.

Mr. Mandeville to Viscount Palmerston—(Received Feb. 3, 1838.)

(Extract.)

Buenos Ayres, Oct. 10th, 1837.

TRUSTING that, by these concessions, the obstacles on the part of the Monte Videan Government were now overcome, there remained now only those which the Monte Videan Minister raises against making a Treaty for the abolition of the Slave Trade, by reason of the inconveniences and the expenses which its fulfilment could occasion, through the want of a national maritime force, and of a revenue sufficient to defray the expenses of officers employed in the Mixed Commissions. I assured his Excellency that these difficulties must be overcome, for, if not, all that we had done; and all that we might do, with regard to the conclusion of a Treaty of Commerce, would be as nothing: and I begged leave to repeat to his Excellency, with the greatest respect and truth, that the ratification of the latter is made dependent upon the conclusion of the former: I was inclined to believe, that your Lordship will yield in some points where expense would be caused to the Monte Videan Government by the execution of certain articles concerning the nomination of Commissioners to the Mixed Courts of Justice to be established for bringing to adjudication the vessels which may be detained on suspicion of being concerned in the Slave Trade; but, for this, a reference must be had to England, for I am bound down to the stipulations laid down in the Draft of this Treaty, a copy of which I transmitted with my note: that, with respect to the alteration of any article of the Treaty, by which it would be weakened by a diminution of any of the pains and penalties attached to the infringement of any one of these Articles or of the annexes to the Treaty, I was certain that it would not be listened to.

No. 89.

Viscount Palmerston to Mr. Mandeville.

SIR,

Foreign Office, February 22nd, 1838.

I HAVE received your Despatch of the 10th of October last, upon the subject of the negotiations for the conclusion of a Treaty of Commerce between Great Britain and Monte Video; and I have to inform you that I have referred to the Board of Trade for its opinion, the several points upon which the Monte Videan Minister is desirous that modifications should be made.

With regard, however, to the Treaty for the Abolition of the Slave Trade, it appears that the principal objections raised by the Monte Videan Government against concluding such a Treaty, arise out of the inconveniences and expense which its fulfilment would occasion, owing to the want,—first, of a national maritime force; and, secondly, of a revenue sufficient to defray the expenses of the officers to be employed in the Mixed Commissions.

In order to obviate the first of these objections, I authorize you to propose to insert in the Treaty a stipulation, relieving the Monte Videan Government for ten years from the obligation of employing any cruisers, unless it should think fit to do so; and placing this stipulation on the ground, that the Republic has not a sufficient naval force.

With respect to the expense of Mixed Commissions, you may suggest, that the Monte Videan Government might, perhaps, appoint one of the Foreign Commissioners, resident at Sierra Leone, to act as Monte Videan Commissioner in the Mixed Court to be established in that Colony; and that, at Monte Video itself, the Commission would not be very expensive, as the duty of the Commissioner for Monte Video, which would only be occasional, might probably be performed by some public officer, receiving a salary from the public.

I have, &c.

(Signed)

PALMERSTON.

J. H. Mandeville, Esq.

&c.

&c.

&c.

VENEZUELA.

No. 90.

Sir R. K. Porter to Viscount Palmerston.—(Received July 16.)

MY LORD,

Caracas, May 27th, 1837.

I HAVE the honour and gratification of transmitting to your Lordship the Treaty on the Abolition of the Slave Trade, concluded between His Majesty and the Republic of Venezuela, consisting of thirteen Articles, and an Annex consisting of five others, which were duly signed by the respective Plenipotentiaries on the 19th of the present month.

The Ratifications are to be exchanged within the space of 10 months from the date thereof.

I have, &c.

(Signed)

ROBERT KER PORTER.

The Right Hon. Viscount Palmerston, G.C.B.

&c.

&c.

&c.

No. 91.

Viscount Palmerston to Sir R. K. Porter.

SIR,

Foreign Office, April 23rd, 1838.

I HAVE received and laid before the Queen your Despatch of the 27th of May, 1837, transmitting a Treaty which you have concluded with the Minister for Foreign Affairs of Venezuela, for the abolition of the Slave Trade.

Her Majesty approves your zeal and diligence in bringing this negotiation to a successful conclusion; and I am commanded to instruct you to state to the Government of Venezuela, that Her Majesty's Government appreciates highly the example which that State has set to its neighbours by concluding this Treaty. In making this communication, you will state the wish of Her Majesty's Government, that no time should be lost in completing this beneficial Act, by obtaining the sanction of the Venezuelan Chambers to the Treaty; and you will say that the Treaty will be ratified by Her Majesty, as soon as the ratifications by those Chambers shall have been received in London.

I have, &c.

(Signed)

PALMERSTON.

Sir R. K. Porter.

&c.

&c.

PERU-BOLIVIA.

No. 92.

Viscount Palmerston to Mr. Belford Wilson.

SIR,

Foreign Office, April 30th, 1838.

I HAVE received your Despatch, marked "Slave Trade," of the 22nd October, 1836.

Her Majesty's Government learn with pleasure, that the Peru-Bolivian Government have expressed their readiness to negociate a Treaty between Great Britain and the Peru-Bolivian Confederation for the entire suppression of the Slave Trade, and that they are willing to include in that Treaty a stipulation declaring, that the crime of slave trade shall be considered and treated as piracy.

I transmit to you full powers to enable you to conclude and sign such a Treaty.

With reference to your desire to be informed, whether you may assent to any modification of the stipulations relating to the expenses of Mixed Courts, and to the treatment of apprenticed negroes, I herewith transmit to you the draft of two additional Articles, which you are at liberty to propose to the Peru-Bolivian Government; and by which that Government will be relieved from the necessity of appointing Commissioners, and from the expense of maintaining Courts under the Treaty.

Stipulations similar to these, are, in compliance with the request of the Chilian Government, to be annexed to the Treaty between Great Britain and Chili.

You will observe that Annex C, as it stands in the Treaty between Great Britain and Spain on Slave Trade, and as it is proposed to stand in the Treaty with Chili, omits all mention of the treatment of apprentices, but stipulates that the liberated negroes shall be delivered over to the Government to which the cruiser shall belong which captured the vessel on board of which such negroes were found. This stipulation will virtually place the liberated negroes under the charge of the British Government, and will thus, it is hoped, meet the objections which the Peru-Bolivian Government have felt to the stipulations previously proposed to it on this subject.

For greater convenience, and in order to prevent all mistakes, I transmit to you an amended Draft of the whole Treaty, such as you are now authorised to conclude it with the Peru-Bolivian Confederation, containing Annex C, to which I have just referred, and including also an amended version of that Stipulation in Article 6 which provides for the condemnation of vessels equipped for Slave Trade. The last-mentioned Stipulation, thus altered, is better calculated for its purpose than the Stipulation on this subject which was originally sent out to you.

I see no reason, from the tenor of your Despatch, to anticipate on the part of the Peru-Bolivian Government any other objections to the terms of the proposed Treaty than those which I have noticed in this Despatch; and I hope that, after the concessions which you are now authorised to make, you will be able to bring this negotiation to a speedy and satisfactory conclusion.

Belford Hinton Wilson, Esq.
 &c. &c.

I have, &c.

(Signed)

PALMERSTON.

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